

EXHIBIT A

NORTH KENT SEWER AUTHORITY RULES AND REGULATIONS

2008

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TABLE OF CONTENTS

CHAPTER 1	TITLE AND DEFINITIONS	1
Section 1.1	Title	1
Section 1.2	Purpose and Policy	1
Section 1.3	Rules Applying to Text	1
Section 1.4	Words Not Defined	2
Section 1.5	Definitions	2
CHAPTER 2	USE OF PUBLIC SEWERS	13
Section 2.1	Prohibited Discharge	13
Section 2.2	Prohibited Wastes and Wastewater	13
Section 2.3	National Categorical Pretreatment Standards	17
Section 2.4	Local Limits	17
Section 2.5	Mercury Provision	17
Section 2.6	Affirmative Defenses	19
Section 2.7	Operating Upsets	20
Section 2.8	Bypasses	21
Section 2.9	Dilution	22
CHAPTER 3	PRETREATMENT OF WASTEWATER	23
Section 3.1	Pretreatment Facilities	23
Section 3.2	Additional Pretreatment Measures	23
Section 3.3	Accidental Discharge/Slug Discharge Control Plans	24
Section 3.4	Hauled Wastewater	25
CHAPTER 4	DISCHARGE PERMIT	26
Section 4.1	Wastewater Analysis and Disclosure	26
Section 4.2	When Permit Required	28
Section 4.3	Permit Application	28
Section 4.4	Permit Approval	28
Section 4.5	Permit Fee	29
Section 4.6	Permit Expiration and Renewal	29
Section 4.7	Transfer	29
Section 4.8	Permit Denial, Suspension or Revocation	29
Section 4.9	Substances Subject to Special Discharge Permit	29
Section 4.10	Special Discharge Permits	30
Section 4.11	Permit Modification	32
Section 4.12	Violation of Permit	32
CHAPTER 5	DATA COLLECTION AND REPORTING REQUIREMENTS	33
Section 5.1	Sampling Facilities	33
Section 5.2	Pretreatment Compliance Reporting	33
Section 5.3	Certification Statements	35
Section 5.4	Accidental Spills, or Batch or Slug Discharges	35
Section 5.5	Sampling Requirements	36

Section 5.6	Recordkeeping	36
Section 5.7	Hazardous Waste Notification	37
Section 5.8	Measurement	37
Section 5.9	Confidential Information	37
Section 5.10	Inspection	38
CHAPTER 6	VIOLATIONS AND REVIEW OF DECISIONS	39
Section 6.1	Notification of Violation	39
Section 6.2	Other Administrative Actions	39
Section 6.3	Administrative Review of Authority Decisions	42
Section 6.4	Effectiveness of Authority Decisions During Review	43
Section 6.5	Subpoenas	43
Section 6.6	Citations and Appearance Tickets	43
Section 6.7	Legal Action	43
Section 6.8	Judicial Remedies	43
Section 6.9	Rules for Continuing Violations	45
Section 6.10	Public Nuisances	45
Section 6.11	Water Supply Severance	45
Section 6.12	Remedies Nonexclusive	45
Section 6.13	Enforcement Response Plan	46
CHAPTER 7	FEES AND CHARGES	47
Section 7.1	General	47
Section 7.2	Industrial Surveillance Fee	47
Section 7.3	Surcharges	47
Section 7.4	Recovery of Costs	48
Section 7.5	Other Fees and Charges	48
Section 7.6	Interest	48
CHAPTER 8	GENERAL	49
Section 8.1	Protection from Damage	49
Section 8.2	Effect of Authority Approval of Plans, Specifications, or Operating Procedures	49
Section 8.3	Emergency Action	49
Section 8.4	Administrative Determinations of Threat to Wastewater System	49
Section 8.5	Falsification of Information	49
Section 8.6	Annual Publication of Significant Non-Compliance	49
CHAPTER 9	MISCELLANEOUS PROVISIONS	51
Section 9.1	Administrative Liability	51
Section 9.2	Severability	51
Section 9.3	Effective Date	51

APPENDIX A

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CHAPTER 1

TITLE AND DEFINITIONS

SECTION 1.1 TITLE. These Rules and Regulations shall be known and may be cited as the "North Kent Sewer Authority Rules and Regulations."

SECTION 1.2 PURPOSE AND POLICY. These Rules and Regulations set forth uniform requirements for Users of the Wastewater System and enable the Authority and its Constituent Municipalities to protect public health in conformity with all applicable local, State and Federal laws relating thereto.

The objectives of these Rules and Regulations are:

- (a) to prevent the introduction of Pollutants into the Wastewater System which will interfere with its normal operation or contaminate the resulting municipal sludge;
- (b) to prevent the introduction of Pollutants into the Wastewater System which do not receive adequate Treatment in the WWTP, and which will Pass Through the Wastewater System into receiving waters or the atmosphere or otherwise be incompatible with the Wastewater System;
- (c) to improve the opportunity to recycle and reclaim Wastewater and sludge from the Wastewater System;
- (d) to protect both Wastewater System personnel who may be affected by Wastewater and sludge in the course of their employment and the general public.
- (e) to provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Wastewater System; and
- (f) to enable the Authority to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Wastewater System is subject.

These Rules and Regulations shall apply to all Users of the Wastewater System. These Rules and Regulations authorize the issuance of individual Wastewater Discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

SECTION 1.3 RULES APPLYING TO TEXT. The following rules of construction shall apply to the text of these Rules and Regulations.

- (a) The particular shall control the general.
- (b) Except with respect to the definitions which follow in Section 1.5, the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any construction or interpretation of these Rules and Regulations or as enlarging or restricting the terms and provisions of these Rules and Regulations in any respect.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (d) Unless the context clearly indicates to the contrary: (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
- (e) Words imparting masculine gender shall apply to feminine and also to firms, associations, partnerships, joint ventures, corporations, trusts, and municipal or other public entities.
- (f) With regard to any conflicts between these Rules and the applicable federal regulations, the federal regulations shall control.
- (g) The word "person" includes a firm, association, partnership, joint venture, corporation, trust, municipal or public entity, or equivalent entity or a combination of any of them as well as a natural person.
- (h) The word "Authority" means the North Kent Sewer Authority, Kent County, Michigan.
- (i) The words "Authority Board" mean the Board of the North Kent Sewer Authority.

SECTION 1.4 WORDS NOT DEFINED. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

SECTION 1.5 DEFINITIONS. For the purpose of their use in these Rules and Regulations, the following terms and words are hereinafter defined.

- (a) 40 CFR 403: The general Pretreatment regulations outlined at 40 Code of Federal Regulations Part 403.

(b) **ABBREVIATIONS:** The following abbreviations shall have the designated meanings:

ASTM:	American Society for Testing and Materials
BMP:	Best Management Practice
BMR:	Baseline Monitoring Report
CFR:	Code of Federal Regulations
CIU:	Categorical Industrial User
COD:	Chemical Oxygen Demand
ERP:	Enforcement Response Plan
gpd:	Gallons Per Day
l:	Liter
MAHL:	Maximum Allowable Headworks Loading
MDL:	Method Detection Limit
mg:	Milligrams
mg/l:	Milligrams Per Liter
MRP:	Mercury Reduction Plan
NPDES:	National Pollutant Discharge Elimination System
RCRA:	Resource Conservation and Recovery Act
SIC:	Standard Industrial Classification
SIU:	Significant Industrial User
SWDA:	Solid Waste Disposal Act
TSS:	Total Suspended Solids
ug/l:	Micrograms Per Liter
USC:	United States Code
WEF:	Water Environment Federation
WWTP:	Wastewater Treatment Plant

(c) **ACT OR THE ACT:** The Federal Water Pollution Control Act, as amended by the Clean Water Act and the Water Quality Act of 1987, 33 U.S.C 1251, et. seq.

(d) **AUTHORIZED REPRESENTATIVE:** An Authorized Representative of a User is:

(1) If the User is a corporation:

(i) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(ii) The manager of one (1) 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 individual Wastewater Discharge permit requirements; and to whom authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (3) If the User is a Federal, State or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (4) The individuals described in paragraphs 1 through 3 above may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the Discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Authority.
- (e) BMPs: Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Sections 2.1 and 2.2. BMPs include Treatment requirements, operating procedures, and practices to control plan site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
 - (f) BOD or BOD₅ (denoting Biochemical Oxygen Demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Celsius, expressed in parts per million by weight or in milligrams per liter.
 - (g) BUILDING SEWER: The extension of the building drain which begins five (5) feet outside the inner face of the building wall and continues to the Public Sewer or other place of disposal.
 - (h) BYPASS: The diversion of waste streams from any portion of a User's Treatment facility as outlined in 40 CFR 403.17.

- (i) **CATEGORICAL INDUSTRIAL USER (CIU):** An industrial User subject to a categorical Pretreatment Standard or categorical standard.
- (j) **CATEGORICAL PRETREATMENT STANDARD:** A regulation promulgated by the U.S. EPA under Sections 301 or 307 of the Clean Water Act, as amended (33 USC Sections 1311 or 1317).
- (k) **COD (denoting Chemical Oxygen Demand):** The amount of oxygen required to chemically oxidize organic and inorganic constituents of Wastewater as measured under the standard laboratory procedures.
- (l) **COMBINED WASTESTREAM:** The wastestream at facilities where effluent from one (1) regulated process is mixed, prior to Pretreatment or Treatment, with Wastewaters other than those generated by that regulated process. Where required by federal or state law, the Combined Wastestream formula provided in 40 CFR 403 will apply to limits applicable to a Combined Wastestream.
- (m) **COMPOSITE SAMPLE:** A series of representative samples taken over a specific time period which are then combined into one (1) sample for testing purposes.
- (n) **CONSTITUENT MUNICIPALITY:** The City of Rockford, the Charter Township of Plainfield, and the Townships of Alpine, Cannon and Courtland.
- (o) **CONTROL AUTHORITY:** The North Kent Sewer Authority.
- (p) **DAILY MAXIMUM CONCENTRATION:** The arithmetic average of all effluent samples for a Pollutant collected during a calendar day.
- (q) **DAILY MAXIMUM LIMIT:** The maximum allowable Discharge limit of a Pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily Discharge is the total mass Discharged over the course of the calendar day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily Discharge is the arithmetic average measurement of the Pollutant concentration derived from all measurements taken that calendar day.
- (r) **DEQ:** The Michigan Department of Environmental Quality or any successor governmental agency having similar regulatory jurisdiction.
- (s) **DIRECTOR:** The person designated by the Authority to supervise the operation of the WWTP, and who is charged with certain duties and responsibilities by these Rules and Regulations, or his designee.

- (t) **DISCHARGE:** Includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping into the Wastewater System.
- (u) **DOMESTIC USER:** A User of the Wastewater System from which the Discharge into the Wastewater System is primarily domestic waste.
- (v) **DOMESTIC WASTE:** A water-carried waste from, but not limited to, toilet, kitchen, laundry, bathing, or other facilities used for household purposes, but excluding industrial wastes.
- (w) **EPA:** The United States Environmental Protection Agency.
- (x) **EXISTING SOURCE:** Any source of Discharge that is not a "New Source."
- (y) **GARBAGE:** The solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
- (z) **GRAB SAMPLE:** A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (aa) **INDUSTRIAL USER (IU)** means any person who introduces Pollutants into a WWTP from any non-domestic source regulated under the Act, state law, or local ordinance or these Rules and Regulations.
- (bb) **INDUSTRIAL WASTES:** The liquid or liquid borne wastes from industrial or manufacturing processes, and/or trade or business operations, as distinct from Domestic Wastes.
- (cc) **INSTANTANEOUS LIMIT:** The maximum concentration of a Pollutant allowed to be Discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial wastewater flow rate and the duration of the sampling event.
- (dd) **INTERCEPTOR DEVICE:** A device, including but not limited to, grease traps, sand traps, oil separators, etc., designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter. In case of acid or caustic wastes, an interceptor is a device in which the wastes are neutralized prior to their Discharge into the Wastewater collection system of the premises, the building drain, the Building Sewer, private sewer, or Public Sewer.
- (ee) **INTERFERENCE:** Any Discharge which alone or in conjunction with a Discharge or Discharges from other sources, both:

- (1) Inhibits or disrupts the Wastewater System and any of its process or operations, or its sludge use or disposal; and
 - (2) Therefore is a cause of a violation of any requirement of the WWTP's NPDES permit (including an increase in the magnitude of duration of a violation) or of the prevention of sludge use or disposal in compliance with applicable local, State or Federal law.
- (ff) LOCAL LIMIT: Specific Discharge limits developed and enforced by the Authority upon industrial or commercial facilities to implement the general and specific Discharge prohibitions listed in 40 CFR 403.5(a)(1)(b).
- (gg) MEDICAL WASTE: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (hh) MONTHLY AVERAGE CONCENTRATION: The sum of the concentrations of the subject Pollutant in all of the individual samples from that Discharge divided by the number of samples analyzed for that Pollutant during a calendar month. If the Pollutant concentration in any sample is less than the limit of detection, that value shall be regarded as zero (0) when calculating Monthly Average Concentration.
- (ii) NATIONAL CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL PRETREATMENT STANDARD: Any regulation containing Pollutant Discharge limits promulgated by the U.S. EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C.1317), which applies to a specific category of Industrial Users.
- (jj) NATURAL OUTLET: Any outlet into a Watercourse, pond, ditch, lake or other body of surface or ground water.
- (kk) NEW SOURCE: A new source is a facility from which there is, or may be a Discharge of Pollutants, construction of which commenced after the publication of proposed Pretreatment Standard under Section 307(c) of the Clean Water Act, as amended (33 USC 1317), which will apply to the facility if the standards are promulgated in accordance with that Section, and where the Discharge source is the result of: (1) construction of a facility at a site where no other Point Source is located; (2) the process or production equipment causing the Discharge is totally replaced due to construction; or (3) production of Wastewater generating processes of the facility are substantially independent of an Existing Source at the same site; and/or as further or otherwise defined in the applicable federal regulations, being 40 CFR 403.3(k)(2).

- (ll) **NON-DOMESTIC USERS:** Any User, including SIUs, of the Wastewater System that Discharges wastes other than or in addition to water-carried Domestic Wastes.
- (mm) **NON-DOMESTIC WASTE:** All water carried wastes other than Domestic Wastes.
- (nn) **NPDES OR STATE DISCHARGE PERMIT:** A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (oo) **NUISANCE:** Any condition or circumstance defined as a nuisance pursuant to Michigan statute, at common law or in equity jurisprudence which includes, but is not limited to, any condition where Sewage, Industrial Waste, or the effluent from any Sewage disposal facility or toilet device is exposed to the surface of the ground or is permitted to drain on or to the surface of the ground or into any ditch, storm sewer, lake or Watercourse, or when the odor, appearance, or presence of this material has an obnoxious or detrimental effect on or to the senses or health of persons, or when it shall obstruct the comfortable use or sale of adjacent property, except as otherwise permitted.
- (pp) **PASS THROUGH:** A Discharge which exits the WWTP in quantities or concentrations which, alone or with Discharges from other sources, causes a violation of the Authority's NPDES permit (including an increase in the magnitude or duration of a violation) and/or as further defined in 40 CFR 403.3(n).
- (qq) **pH:** The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.
- (rr) **POINT SOURCE:** Any discernable confined and discrete conveyance or vessel from which Pollutants are or may be Discharged into a public waterway or Public Sewer system.
- (ss) **POLLUTANT:** Dredged spoil, solid waste, incinerator residue, filter backwash, Sewage, Garbage, Sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or Discharged equipment, rock, sand, cellar dirt, municipal, agricultural and Industrial Wastes, and certain characteristics of Wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (tt) **PRETREATMENT OR TREATMENT:** The reduction, elimination, or alteration of Pollutant properties to a less harmful state prior to or in lieu of Discharge or introduction into the Wastewater System. This can be accomplished by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 CFR Section 403.6(d).

- (uu) **PRETREATMENT REQUIREMENTS:** Any substantive or procedural requirement related to Pretreatment imposed on a User.
- (vv) **PRETREATMENT STANDARD OR STANDARD:** Any local, state or federal regulation containing Pollutant Discharge limits. This term includes Local Limits, prohibitive Discharge limits including those promulgated under 40 CFR 403.5, and Categorical Pretreatment Standards.
- (ww) **PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES:** Absolute prohibitions against the Discharge of certain substances; these prohibitions appear in Sections 2.1 and 2.2.
- (xx) **PUBLIC SEWER:** A Sewer which is owned by the Authority or a Constituent Municipality or over which the Authority or a Constituent Municipality has operational responsibility and control.
- (yy) **REPLACEMENT COSTS:** Those expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the Treatment works to maintain the capacity and performance for which such works are designed and constructed.
- (zz) **RESIDENTIAL USER:** All non-commercial premises used only for human residency and which are connected to the Wastewater System.
- (aaa) **SEPTIC TANK WASTE:** Any Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (bbb) **SEVERE PROPERTY DAMAGE:** Substantial physical damage or property damage to the Wastewater System which causes all or part of the Wastewater System to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a Bypass. Severe property damage does not mean economic loss caused by delays in production.
- (ccc) **SEWAGE:** The water-carried wastes from human excrement and gray water (household showers, dishwashing, etc.) from residences, business buildings, industrial establishments and/or other premises together with such infiltration as may be present.
- (ddd) **SIGNIFICANT INDUSTRIAL USER (SIU):** Except as provided in paragraph (3) of the definition, the term SIU means:
 - (1) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and

- (2) Any other Industrial User that: Discharges an average of 25,000 gpd or more of process Wastewater to the Wastewater System (excluding sanitary, non-contact cooling and boiler blowdown Wastewater); contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the WWTP; or is designated as such by the Authority as defined in 40 CFR 403.12(a) on the basis that the Industrial User has a reasonable potential or adversely affecting the WWTP's operation or for violating any Pretreatment Standard or requirement (in accordance with 40 CFR 403.8(f)[6]).
 - (3) Upon a finding that an Industrial User meeting the criteria in paragraph (2) of this definition has no reasonable potential for adversely affecting the WWTP's operation or for violating any Pretreatment Stand or requirement (as defined in 40 CFR 403.12[a]) the Authority may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a SIU.
- (eee) SIGNIFICANT NON-COMPLIANCE (SNC): The event of any one (1) or more of the following having occurred:
- (1) Chronic violations of Wastewater Discharge limits, defined as where 66% or more of all the measurements accepted by the Authority taken for the same Pollutant parameter during a six (6) month period exceed (by any magnitude) any applicable maximum limit including an Instantaneous Limit.
 - (2) Technical Review Criteria (TRC) violations, defined as where 33% or more of all the measurements accepted by the Authority for each Pollutant parameter taken during a six (6) month period equal or exceed the product of any applicable maximum limit including an Instantaneous Limit multiplied by the applicable TRC (1.4 for BOD, TSS, fats, oil and grease; and 1.2 for any other Pollutant except pH).
 - (3) Any other violation of a Pretreatment limit (daily maximum, long-term average, Instantaneous Limit, or narrative standard) that the Director determines has caused, alone or in combination of other Discharges, Interference or Pass Through, or endangerment of the health of WWTP personnel or the general public.
 - (4) Discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Authority's exercise of its emergency authority to halt or prevent such Discharge under 40 CFR 403.9(f)(1)(vi)(B).

- (5) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order (administrative or judicial) for starting construction, completing construction, or attaining final compliance.
 - (6) Failure to provide, within thirty (30) days after the due date, required reports, including, without limitation, such reports as BMR's, ninety (90) day Compliance Reports, Periodic Self-Monitoring Reports, and reports on compliance with compliance schedules.
 - (7) Failure to accurately or fully report non-compliance.
 - (8) Any other violation or group of violations, which may include violations(s) of BMP's, which the Authority determines will, or has, an adverse affect on the operation of the Wastewater System or implementation of the local Pretreatment program.
 - (9) Any other violation which meets one (1) or more of the listed criteria to assure compliance as set forth in 40 CFR 403.8(f)(2)(viii).
- (fff) SLUG DISCHARGE: A Discharge of non-routine, episodic nature, including, but not limited to an accidental spill or non-customary batch Discharge.
 - (ggg) TOTAL SUSPENDED SOLIDS (TSS): The solids that either float on the surface of or are in suspension in water, Wastewater or other liquids and which are removable by laboratory filtering.
 - (hhh) UPSET: An exceptional incident in which a User unintentionally and temporarily is in a state of non-compliance with the requirements of these Rules and Regulations due to factors beyond the reasonable control of the User, and excluding non-compliance to the extent caused by operational error, improperly designed Treatment facilities, inadequate Treatment facilities, lack of preventive maintenance, or careless or improper operation thereof and as further defined in 40 CFR 403.16
 - (iii) USER: Any person (including any domestic or foreign corporation, partnership, governmental unit, or other legal entity) who contributes, causes or permits the contribution of Wastewater into the Wastewater System.
 - (jjj) WASTEWATER: Water-carried waste from residences, business buildings, industrial establishments and/or other premises together with such infiltration as may be present.

(kkk) **WASTEWATER SYSTEM:** The WWTP as well as all Public Sewers and other facilities owned by or over which the Authority and a Constituent Municipality has operational responsibility and control for collecting, sampling, monitoring and pumping Wastewater.

(lll) **Wastewater Treatment Plant or "WWTP":** The Authority's WWTP, located at 4775 Coit Avenue, Grand Rapids, MI 49525

(mmm) **WATERS OF THE STATE:** Waters of the State include the following:

- (1) Both surface and underground waters within the boundaries of this State subject to its jurisdiction, including all ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within this State, other than those designed and used to collect, convey, or dispose of Wastewater; and
- (2) The flood plain free-flowing waters determined by the DEQ on the basis of one hundred (100) year flood frequency; and
- (3) Any other waters specified by state law.

(nnn) **WATERCOURSE:** A channel, natural or artificial, in which a flow of water occurs either continuously or intermittently.

CHAPTER 2

USE OF PUBLIC SEWERS

SECTION 2.1 PROHIBITED DISCHARGE. No person shall Discharge or cause to be Discharged any Wastewater or waste which (i) contains the substances or possesses the characteristics described in Section 2.2 or which exceeds the limits set forth on the attached Appendix A, except as allowed by a Special Discharge Permit issued pursuant to Section 4.10, (ii) prevents effective operation of the Wastewater System, (iii) will cause Pass Through or Interference or which is otherwise incompatible with the WWTP, or (iv) is prohibited by any Federal or State law, regulation, permit requirement or standard which is applicable to the Authority or the Wastewater System. With respect to such Wastewater or waste, the Authority shall have the option to:

- (a) reject the waste or Wastewater;
- (b) require satisfactory Pretreatment as provided in Chapter 3; and/or
- (c) require, pursuant to Chapter 7, the payment of extra charges to the Constituent Municipality within which the User is located and/or to the Authority to pay for the added costs of handling and treating the waste or Wastewater.

SECTION 2.2 PROHIBITED WASTES AND WASTEWATER. The prohibited wastes and Wastewater referenced in Section 2.1 are as follows:

- (a) Waste or Wastewater for which a Discharge permit under Chapter 4 is required if such permit is not obtained or valid.
- (b) Materials which can, alone or by interaction with other substances, cause fires or can be explosive including, but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and stoddard solvents and/or any waste stream with a closed-cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius (using test methods specified in 40 CFR 261.21 or its successors).
- (c) Any Wastewater or waste with a pH of less than 6.5 or greater than 10.0.
- (d) Solid or viscous substances which will obstruct the flow in Sewers or otherwise interfere with the proper operation of the Wastewater System including, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, woods, or paunch manure, or any material which can be disposed of as trash.

- (e) (1) Any Wastewater or waste containing substances released in a Discharge at a flow rate and/or Pollutant concentration which:
- (i) causes the WWTP Discharge to exceed the allowable concentrations of substances established by the Authority's Discharge permit or by the General Rules of the Water Resources Commission under Michigan Act 245, P.A. of 1929, as amended;
 - (ii) causes the WWTP sludges to exceed the allowable levels of substances as established by the U.S. EPA which causes restricted use of these sludges;
 - (iii) interfere(s) with the operation of the WWTP;
 - (iv) causes a release(s) to the atmosphere in quantities which violate the Rules under Michigan Act 348, P.A. of 1965, as amended; or
 - (v) which may cause Interference as determined by the Authority or other governmental entity with jurisdiction.
- (2) When specific substances are present in concentrations which cause the Authority to establish limits for such substances, the Authority shall publish such limits or notice of the limits and shall maintain and distribute upon request a list of the limits. These limits shall also be subject to the provisions of Section 4.10, entitled Special Discharge Permits.
- (3) New Users or existing Users which propose to implement new Discharges of Wastewater or waste which will contain measurable amounts of any substances detected in U.S. EPA 600 series or 8000 series analytical methods, shall submit to the Authority an estimate of the concentrations and quantities of these substances prior to implementing the Discharge. The Authority shall determine the need to establish limits for the substances based on these estimates.
- (f) Any Wastewater or waste having a temperature exceeding 140 degrees Fahrenheit or which causes the influent to the WWTP to exceed a temperature of 104 degrees Fahrenheit.
- (g) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.
- (h) Any noxious gas, malodorous gas, or any gas or fumes, or a Pollutant which results in the presence of such gas or fumes which would injuriously effect the safety or health

of the public or the employees of the Authority, or work substantial annoyance, inconvenience or injury to the public.

- (i) Any trucked or hauled Pollutants, excepted as and where specifically designated in writing by the Director. Trucked or hauled Industrial Waste is prohibited.
- (j) Garbage which is not shredded to such a degree that (i) all particles can be carried freely under the flow conditions normally prevailing in Public Sewers and (ii) no particle is greater than one-half (1/2) inch in any dimension.
- (k) Any Wastewater or waste having corrosive properties capable of causing damage or hazards to structures, equipment, and/or personnel of the Wastewater System.
- (l) Any substance which may cause a public Nuisance, cause hazard to life or prevent entry into the sewers for maintenance and repair, as determined by the Authority or other governmental entity with jurisdiction.
- (m) Any Wastewater or waste which:
 - (1) contains a toxic or poisonous substance or has a high chlorine demand in sufficient quantity to injure or interfere with the Wastewater Treatment process or the WWTP,
 - (2) contains over-strength conventional wastes in sufficient quantity to injure or interfere with the Wastewater Treatment process or the WWTP,
 - (3) constitutes a hazard to humans or animals, or
 - (4) creates any hazard in the receiving waters or the effluent of the WWTP.
- (n) Any Wastewater or waste containing more than the Local Limits identified in attached Appendix A unless such Discharge has first been authorized by a special Discharge permit pursuant to Section 4.10. Where applicable state or federal law mandates lower maximum concentrations, such limits shall supersede the limits set forth in and shall be incorporated by reference into Appendix A. The Authority may impose mass limitations and/or seasonal limitations in addition to or in place of the concentration limitations in Appendix A.
- (o) Any Discharge of nitrates, sugars, or other nutrients, or Wastewater or waste containing these items, shall be limited as necessary to prevent adverse effects on the Wastewater Treatment processes and the WWTP and to prevent the stimulation of the growth of algae, weeds, and slimes which are or may become injurious to the water supply, the recreational use of water, fish, wildlife, or other aquatic life.

- (p) Any Wastewater or waste containing very light suspended solids (such as potato skins, fats, or cottage cheese whey) or any other constituent of such character and quantity that unusual attention or expense is required for the WWTP to effectively treat such Wastewater or waste.
- (q) Any hazardous waste, or any waste which if otherwise disposed of would be hazardous waste under 40 CFR Part 261.
- (r) Any radioactive waste or isotopes.
- (s) Any sludge, precipitate, or congealed substance which results from an industrial or commercial process or which results from the Pretreatment of Wastewater, waste, or air Pollutants.
- (t) Any Medical Wastes, except as specifically authorized by the Director.
- (u) Stormwater, surface water, groundwater, artesian well water roof runoff, subsurface drainage from footing drains or otherwise, deionized water, noncontract cooling water, and unpolluted water, unless specifically authorized by the Director.
- (v) Any water from a dewatering operation, without prior written authorization by the Authority. Such written authorization shall be on the conditions and subject to such charges as determined by the Director. Nothing contained in this Section or in any written authorization provided hereunder shall excuse compliance by the discharger with any other provision of these Rules and Regulations or other applicable law. No recipient of such authorization shall be deemed to have any vested right or property interest to Discharge substances as specified in such permit but instead only a temporary permissive right to Discharge within the limits of such written authorization.
- (w) Any water Discharged from an environmental remediation project, without prior written authorization by the Authority. Such written authorization shall be on the conditions and subject to such charges as determined by the Director. Nothing contained in this Section or in any written authorization provided hereunder shall excuse compliance by the discharger with any other provision of these Rules and Regulations or other applicable law. No recipient of such authorization shall be deemed to have any vested right or property interest to Discharge substances as specified in such permit but instead only a temporary permissive right to Discharge within the limits of such written authorization.
- (x) Mercury, in any amount detectable at or above the MDL as provided in Section 2.5.

SECTION 2.3 NATIONAL CATEGORICAL PRETREATMENT STANDARDS. Users shall comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, and such standards are hereby incorporated into these Rules and Regulations.

SECTION 2.4 LOCAL LIMITS. The Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c), which shall be incorporated into these Rules and Regulations as Appendix A hereto. The Authority shall publish such limits or notice of adoption of such Local Limits and upon request shall make a list of such limits available.

SECTION 2.5 MERCURY PROVISIONS.

- (a) Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with U.S. EPA Method 245.1. The MDL, developed in accordance with the procedure specified in 40 CFR 136 shall not exceed 0.2 ug/L for mercury, unless higher levels are appropriate due to matrix Interference.

The evaluation of potential matrix Interference(s) shall include, at a minimum, the following:

- (1) A demonstration that the laboratory conducting the analysis is capable of achieving the MDL of 0.2 ug/l in reagent water;
- (2) A demonstration that the MDL of 0.2 ug/l cannot be achieved in the effluent; and
- (3) A demonstration that an attempt has been made to resolve the matrix Interference(s).

In cases where true matrix Interference(s) can be demonstrated, a Discharge-specific MDL will be developed in accordance with the procedure in 40 CFR 136. Discharge-specific MDLs will be incorporated into the Discharge permit of a Non-Domestic User.

- (b) **Mercury Reduction Plans.** To ensure that the maximum allowable mercury loading to the WWTP is not exceeded, the Authority may require any Non-Domestic User with a reasonable potential to Discharge mercury to develop, submit for approval and implement a MRP. The MRP may be required by permit if the Non-Domestic User has not violated the Local Limit for mercury, but the Authority has determined that a reasonable potential for such a violation may exist. MRPs may be required in notices of violations, orders or other enforcement actions when the Non-Domestic User has violated the mercury Local Limit. At a minimum, an approvable MRP shall contain the following:

- (1) A written commitment by the Non-Domestic User to reduce all Discharges of mercury in Non-Domestic Waste to levels below the MDL within the time frame specified by the Director;
- (2) Within sixty (60) days of notification by the Authority that a MRP is required, The Non-Domestic User shall supply an initial identification of all potential sources of mercury which could be Discharged to the sanitary sewer system;
- (3) Specific strategies for mercury reduction with time frames for implementation as specified by the Director;
- (4) A program for sampling and analysis for mercury of the Discharge of Non-Domestic Wastes in accordance with 245.1 methods, if and as specified by the Director;
- (5) A demonstration of specific, measurable and/or otherwise quantifiable mercury reductions consistent with the goal of reducing mercury in Discharges to below the specified MDL. Where such reductions can not be demonstrated through normal effluent monitoring (e.g. mercury Discharges are already near MDL), the demonstration should incorporate the following:
 - (i) Internal process monitoring, documenting the results of mercury reduction strategies at sampling locations within the facility (e.g. a program of regular monitoring of sink traps where mercury containing reagents had previously been disposed, but have since been substituted for by non-mercury containing compounds);
 - (ii) Internal and/or effluent sampling utilizing clean and/or ultra-clean sampling and analytical methods as referenced by U.S. EPA Federal Register. Note that the results of such monitoring will not be used for compliance purposes unless performed in accordance with U.S. EPA Method 245.1 and collected at the appropriate compliance measurement location.
 - (iii) Loading calculations wherein the Non-Domestic User calculates the total mass of mercury reduced from the sanitary sewer Discharge through reagent substitutions, changes in disposal practices and/or other approved MRP strategies implemented.
- (6) A report on the status of the mercury reduction efforts, as and when directed by the Director. At a minimum, these reports shall: (i) identify compliance or

non-compliance with specific reduction commitments in the MRP; (ii) summarize the analytical, mass-based or other quantifiable demonstrations of mercury reductions performed to date; (iii) provide all applicable analytical data; (iv) provide an evaluation of the effectiveness of actions taken to date; (v) provide updates to the initial list of mercury-containing compounds Discharged to the sanitary sewer and (vi) where applicable or necessary, propose for approval new strategies and/or modifications to the current MRP to continue and improve mercury Discharge reduction efforts.

- (7) Any other conditions that the Authority deems necessary to ensure that mercury reduction efforts are effective in achieving the goals of this Section.

Failure to submit an approvable MRP within thirty (30) days after the required due date shall constitute Significant Non-Compliance.

A MRP may be evaluated for adequacy at any time by the Authority. If such an evaluation determines that the MRP is inadequate, or the Non-Domestic User has not complied with its approved MRP, the Non-Domestic User will be notified. Failure to comply with the MRP requirement constitutes non-compliance, and will subject the User to enforcement actions as described in these Rules and Regulations and/or the Authority's ERP.

A Non-Domestic User may request a release from MRP requirements if (i) four (4) consecutive samples of the Discharge are less than the specified MDL; (ii) the Non-Domestic User has complied with minimum the monitoring frequency specified by the Director; and (iii) the Authority deems that MRP commitments have been fulfilled sufficiently to ensure continued compliance with the mercury limitation. In order to be effective, any release from MRP requirements, the Non-Domestic User must obtain such release from the Authority in writing.

If the MRP requirement is waived by the Authority, the Non-Domestic User remains subject to the Local Limitation for mercury in accordance with the requirements of this Chapter.

Re-discovery of mercury in the Non-Domestic User Discharge shall subject such User to the submission of a new MRP, or escalation of enforcement in accordance with these Rules and Regulations and/or the ERP.

SECTION 2.6 AFFIRMATIVE DEFENSES. A User shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in subdivision (iii) of Section 2.1 and the specific prohibitions in subsections (d), (e), (f) and (g) of Section 2.2 where the User can demonstrate that:

- (a) It did not know or have reason to know that its Discharge alone, or in conjunction with a Discharge or Discharges from other sources, would cause Pass Through or Interference; and
- (b) (1) A Local Limit designed to prevent Pass Through and /or Interference, as the case may be, was established pursuant to Section 2.4 for which each Pollutant in the User's Discharge that caused Pass Through or Interference, and the User was in compliance with each such Local Limit directly prior to and during the Pass Through or Interference; or
- (2) If a Local Limit designed to prevent Pass Through and/or Interference, as the case may be, has not been established for the Pollutants(s) that caused the Pass Through or Interference, the User's Discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the User's prior Discharge activity when the Authority was regularly in compliance with the Authority's NPDES permit requirements and in the case of Interference, applicable requirements for sludge use or disposal.

SECTION 2.7 OPERATING UPSETS. Any User which experiences an Upset (as defined in these Rules and Regulations and/or in 40 CFR 403.16, as amended, or its successors) in operations which places the User in a temporary state of non-compliance with these Rules and Regulations or whose Discharge could cause problems or damages to the Wastewater System (as determined by the Authority), including slug loadings, whether planned or unplanned, shall immediately telephone and notify the Authority thereof. A written follow-up report thereof shall be filed by the User with the Authority within five (5) days. The report shall specify:

- (a) Description of the Upset, the cause thereof and the Upset's impact on a User's compliance status.
- (b) Duration of non-compliance, including exact dates and times of non-compliance, and if the non-compliance continues, the time by which compliance is reasonably expected to occur.
- (c) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an Upset or other conditions of non-compliance.
- (d) A timely documented and verified bona fide operating Upset shall be an affirmative defense to any enforcement action brought by the Authority against a User for any non-compliance with a Categorical Pretreatment Standard under these Rules and Regulations which arises out of violations alleged to have occurred during the period of the Upset, if:

- (1) The User demonstrates, through properly signed, contemporaneous operating logs or other evidence:
 - (i) The cause of the non-compliance:
 - (ii) That the non-compliance was unintentional and temporary;
 - (iii) That the facility was being operated in a prudent manner in compliance with all applicable operation and maintenance procedures; and
 - (iv) That the non-compliance was caused by factors beyond the reasonable control of the User and not caused by operational error, improperly designed Treatment facilities, inadequate Treatment facilities, lack of preventive maintenance, or careless or improper operation; and
- (2) The User reports the non-compliance as required by these Rules and Regulations.

SECTION 2.8 BYPASSES. Bypasses (as defined in the applicable federal regulations) are prohibited unless the Bypass is unavoidable or necessary to prevent loss of life, personal injury or Severe Property Damage. An anticipated Bypass shall be reported to the WWTP if possible at least ten (10) days before the date of the Bypass, or as far in advance as reasonably possible if less than ten (10) days. The Director may, in his discretion, approve an anticipated Bypass, after considering its potential adverse effects, if the Bypass is unavoidable to prevent loss of life, personal injury, or Severe Property Damage; if there is no feasible alternative; and if the User submits notice as required above; and/or subject to the provisions of 40 CFR 403.17(d). The WWTP shall be given oral notice of an unanticipated Bypass as soon as possible, and not later than twenty-four (24) hours from the time the User becomes aware of the Bypass. The Director may require a written report of the unanticipated Bypass incident. The report shall contain the description and cause of the Bypass, duration (exact dates and times), and steps taken or planned to reduce, eliminate and prevent reoccurrence of the Bypass. A Bypass report shall be signed by an Authorized Representative.

Subject to the requirements and limitations set forth above, a User shall have an affirmative defense to an action brought for non-compliance with violations of Categorical Pretreatment Standards if the User demonstrates that:

- (a) (1) The Bypass did not cause a violation of any Pretreatment Standard or requirement, and
- (2) The Bypass was essential for maintenance necessary to ensure efficient operation, and

- (3) The User timely submitted any report(s) under this Section; or
- (b)
 - (1) The Bypass was unavoidable to prevent loss of life, personal injury, substantial physical damage to property, damage to Treatment facilities that would cause them to become inoperable, or substantial and permanent loss of natural resources, but not merely economic loss caused by delays in production;
 - (2) The User had no alternative to the Bypass, such as using auxiliary Treatment facilities, retention of untreated waters, or maintenance during normal periods of equipment downtime;
 - (3) If the Bypass occurred during normal periods of equipment downtime or equipment maintenance, reasonable engineering judgment indicates that back-up equipment was not justified; and
 - (4) The User timely submitted the reports required by this Section.

SECTION 2.9 DILUTION. Except as expressly authorized under applicable categorical Pretreatment Standards, no User shall increase the use of potable or process water nor mix separate waste streams for the purpose of diluting a Discharge, or otherwise dilute a Discharge in any way, as a partial or complete substitute for adequate Treatment to achieve compliance.

CHAPTER 3

PRETREATMENT OF WASTEWATER

SECTION 3.1 PRETREATMENT FACILITIES. Users shall provide Wastewater Pretreatment or Treatment as necessary to comply with these Rules and Regulations and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Sections 2.1 and 2.2 of these Rules and Regulations within the time limitations specified by the U.S. EPA, the State or the Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a Discharge acceptable to the Authority under the provisions of these Rules and Regulations.

Where preliminary Treatment is required by this Section for a New Source, all pollution control or Pretreatment equipment must be installed and started-up prior to Discharge, and such User shall adhere to a compliance schedule which is in compliance with all applicable federal regulations.

Where preliminary Treatment is required by this Section, and the User is already discharging waste or Wastewater into the Wastewater System, then the User shall, at the request of the Authority, comply with a schedule established by the Director after input from the User which shall specify by date those items which are to be accomplished by the User to complete all necessary preliminary Treatment facilities and to bring the waste and Wastewater being Discharged into compliance with all requirements of these Rules and Regulations. The Director may require that such compliance schedule include liquidated damage provisions for failure to comply with the schedule.

SECTION 3.2 ADDITIONAL PRETREATMENT MEASURES.

- (a) Whenever deemed necessary, the Director may require Users to restrict their Discharge during peak flow periods, designate that certain Wastewater be Discharged only into specific sewers, relocate and/or consolidate points of Discharge, separate Sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the Wastewater System and determine the User's compliance with the requirements of these Rules and Regulations.
- (b) The Director may require any person discharging into the Wastewater System to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual Wastewater Discharge permit may be issued solely for flow equalization.
- (c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of Wastewater containing

excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for Residential Users. All interception units shall be of a type and capacity approved by the Director, shall comply with the applicable local ordinances of the Constituent Municipality in which the discharging facility is located, and shall also be located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense.

- (d) Users with the potential to Discharge flammable substances may be required by the Director to install and maintain an approved combustible gas detection meter.

SECTION 3.3 ACCIDENTAL DISCHARGE/SLUG DISCHARGE CONTROL PLANS.

The Director shall evaluate whether each SIU needs an accidental Discharge/Slug Discharge control plan or other action to control Slug Discharges. The Director may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Director may develop such a plan for any User, at the User's expense. The adequacy of such plan and frequency at which such plan will be evaluated shall be determined by the Director pursuant to the provisions of 40 CFR 403.8(f)(2)(v). The Director shall evaluate the need for such a plan at least once every two (2) years. Such a plan shall include the following:

- (a) Description of Discharge practices, including non-routine batch Discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the Director of any accidental or Slug Discharge, as required by Section 5.4; and
- (d) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants, including solvents, and/or measures and equipment for emergency response.
- (e) The Director may require, as part of such plan, that the User provide, at his expense, suitable containment facilities within a time period specified by the Director. Plans, specifications and other pertinent information relating to the proposed containment facilities shall be prepared and submitted for approval by the Director, and no construction of such facilities shall be commenced until approval by the Director is given in writing. Such containment facilities shall be maintained continuously in satisfactory condition by the User at his cost.

SECTION 3.4 HAULED WASTEWATER.

- (a) Septic tank waste may be introduced into the Wastewater System only at locations designated by the Authority, and at such times as are established by the Director. Such waste shall be subject to the limitations and requirements in Chapter 2 of these Rules and Regulations or any other requirements established by the Authority or any Constituent Municipality. The Director may require Septic Tank Waste haulers to obtain individual Wastewater Discharge permits.
- (b) Trucked or hauled Industrial Waste shall not be Discharged to the Wastewater System.

CHAPTER 4

DISCHARGE PERMIT

SECTION 4.1 WASTEWATER ANALYSIS AND DISCLOSURE. All non-domestic Users proposing to connect to or to contribute Wastewater or waste to the Wastewater System shall submit such information as the Director shall reasonably request on their processes and Wastewater before connecting to or contributing to the Wastewater System. All existing non-domestic Users connected to or contributing to the Wastewater System shall promptly submit such information on their processes and Wastewater as the Director shall reasonably request, and additionally shall notify the Director in advance of substantial change(s) in volume or characteristics of the User's Discharge as provided in 40 CFR 403.12(j). Such information shall be submitted for all New Sources at least ninety (90) days (or more, if required by applicable federal and/or state statutes or regulations) prior to connection to the sanitary sewer or the commencement of Discharges to the Wastewater System. The information submitted shall be sufficient for the Authority to determine the impact of the User's Discharge on the Wastewater System and the need for Pretreatment, shall include a BMR, and shall be signed by an Authorized Representative of the User who is a legally authorized signatory as defined in 40 CFR 403.12(l). Copies of all such information submitted or required to be submitted by a User shall be maintained on file by the User. Without limiting the generality of the foregoing disclosure requirements, the information which may be required pursuant to this Section may include any or all of the following:

- (a) Disclosure of name, address, and location of the User.
- (b) Disclosure of Standard Industrial Classification (SIC) number according to the SIC Manual, Federal Bureau of the Budget, 1972, as amended.
- (c) Disclosure of Wastewater constituents and characteristics including, but not limited to, those mentioned in these Rules and Regulations, as determined by bona fide chemical and biological analyses. Sampling and analysis shall be performed in accordance with procedures established by the U.S. EPA and contained in 40 CFR, Part 136, as amended.
- (d) Disclosure of time and duration of Discharges.
- (e) Disclosure of average daily and instantaneous peak Wastewater flow rates, in gallons per day, including daily, monthly and seasonal variation, if any. All flows shall be measured unless other verifiable techniques are approved by the Authority due to cost or nonfeasibility.
- (f) Disclosure of site plans, floor plans, mechanical and plumbing plans (including non-contact water cooling systems) and details to show all sewers, sewer connections,

inspection manholes, sampling chambers and appurtenances by size, location and elevation.

- (g) Description of activities, facilities and plant processes on the premises including all materials which are or may be Discharged to the Wastewater System.
- (h) Disclosure of the nature and concentration of any Pollutants or materials prohibited by these Rules and Regulations in the Discharge, together with a statement regarding whether or not compliance is being achieved with these Rules and Regulations on a consistent basis and if not, whether additional operation and maintenance activities and/or additional Pretreatment is required for the User to comply with these Rules and Regulations.
- (i) New Sources shall have in operating condition and shall "start-up" all pollution control equipment required to comply with these Rules before beginning to Discharge into the Wastewater System. New Sources must meet all applicable Pretreatment Standards within the shortest feasible time and in any case within not more than ninety (90) days.
- (j) Where additional Pretreatment and/or operation and maintenance activities will be required to comply with these Rules and Regulations, the User shall provide a declaration of the shortest schedule by which the User will provide such additional Pretreatment and/or implementation of additional operational and maintenance activities. This schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to comply with the requirements of these Rules and Regulations including, but not limited to, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with these Rules and Regulations. No increment in this schedule shall exceed nine (9) months unless the User can establish, to the satisfaction of the Authority that a time period of more than nine (9) months is required. The Director may require revision of any such schedule or schedule increment as a pre-condition of any and all Discharges or the further Discharges by the User to the Wastewater System.
- (k) Disclosure of each product produced by type, amount, process or processes and rate of production.
- (l) Disclosure of the type and amount of raw materials utilized and stored on the User's premises (average and maximum per day).

- (m) Any other information required by 40 CFR Section 403.12, by amendments and/or successors thereto, or by other applicable law.

SECTION 4.2 WHEN PERMIT REQUIRED. All CIUs shall obtain and maintain from the Authority, a valid Discharge permit as a precedent to making any Discharge to the Wastewater System. In addition, any SIU, any other person that exceeds the limits set forth in Appendix B, or any other person so directed by the Authority shall obtain and maintain from the Authority, a valid Discharge permit as a condition precedent to making any Discharge to the Wastewater System. The Authority may in its discretion, require that any existing User, potential User or New Source procure and maintain in effect a Discharge permit, issued by the Authority, as a condition precedent to making any Discharge to the Wastewater System.

SECTION 4.3 PERMIT APPLICATION. Every existing or potential User required to procure a Discharge permit pursuant to this Chapter shall make application for such permit in the form and manner prescribed by the Director. The application shall include all facts and information necessary for the Director to reasonably consider and evaluate the granting or denial of the Discharge permit. To be valid, all permit applications must be certified by an Authorized Representative of the User as follows:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

SECTION 4.4 PERMIT APPROVAL. Upon receipt of a completed permit application, the Director shall, within a reasonable time, grant or deny the requested Discharge permit. However, the permit shall not be effective prior to the time that the prospective or current User delivers to the Director a copy of the permit executed by an Authorized Representative of the User. During the pendency of an application, an existing User may continue to Discharge to the Wastewater System subject, however, to full compliance with these Rules and Regulations, the Sewer Use Ordinance in effect in the Constituent Municipality within which the User is located, and all other applicable provisions of local, state and Federal law. A Discharge permit may be granted with such conditions and restrictions as the Director shall reasonably determine to be necessary or appropriate. These conditions and restrictions may be amended from time to time during the term of the permit, on written notice to the permit holder, as the Director shall determine to be reasonably necessary or appropriate to permit the WWTP to operate effectively, to comply with all applicable provisions of local, state and Federal law, to prevent any detriment to the Wastewater System, the receiving stream

or the use or disposal of sludge, or to meet the requirements of all permits applicable to the Wastewater System operation.

SECTION 4.5 PERMIT FEE. The Authority shall establish by resolution the fee to be paid to the Authority for a Discharge permit.

SECTION 4.6 PERMIT EXPIRATION AND RENEWAL. All Discharge permits, unless otherwise specified in the permit, shall expire three (3) years following issuance, or such shorter period as stated in the permit. The expiration date shall be stated on the face of the permit. The User shall be responsible to apply for renewal of any existing permit. An application for renewal of a permit shall be filed at least one hundred twenty (120) days prior to the expiration of the existing permit, and shall be considered in the same manner as an original application.

SECTION 4.7 TRANSFER. No permit shall be transferred to a different User, a different premises or to a new or changed source or operation without the prior written consent of the Director.

SECTION 4.8 PERMIT DENIAL, SUSPENSION OR REVOCATION.

- (a) A Discharge permit may be revoked or suspended by the Director at any time for any of the following causes:
 - (1) Fraud, misrepresentation or any material false statement or material omission in the application for the permit;
 - (2) Any violation of the conditions and restrictions included as part of the permit;
or
 - (3) Any violation of these Rules and Regulations or the Sewer Use Ordinance in effect in the Constituent Municipality within which the permit holder is located.
- (b) Written notice of suspension or revocation, stating the cause of causes therefore, shall be delivered to the permit holder personally or mailed, by certified or registered mail, return receipt requested, to the permit holder's address as shown in the application for the permit.

SECTION 4.9 SUBSTANCES SUBJECT TO SPECIAL DISCHARGE PERMIT. No person shall Discharge or cause to be Discharged any Wastewater or waste which exceed the limits set forth on Appendix A unless such Discharge has first been authorized by a Special Discharge Permit pursuant to Section 4.10. However, under no circumstances shall any person Discharge or introduce into the Wastewater System any of the substances described in 40 CFR 403.5(a) and (b), and/or listed or described in subsections 2.2(a), (b), (c), (d), (e)(1), (f), (g), (h), (j), (k), (l), (m), (o),

(p), (q), (r) or (s) of these Rules and Regulations.

SECTION 4.10 SPECIAL DISCHARGE PERMITS. Section 4.9 of these Rules and Regulations authorizes the Discharge of substances in excess of identified maximums, as shown on Appendix A, if such Discharge is authorized in advance by a special Discharge permit issued by the Authority. Such special Discharge permit shall be applied for and be otherwise subject in all respects to all of the terms and provisions of this Chapter 4. The following additional provisions shall be specifically applicable to special Discharge permits:

- (a) No special Discharge permits shall be issued by the Authority, or if issued or existing contrary to applicable state or federal law, shall be valid to allow any exceedances or variances from federally prohibited Discharges, unless and until such exceedances or variances are specifically approved by the U.S. EPA, Region V or by the DEQ, as appropriate. The burden and expense of obtaining such state or federal approval shall be the sole responsibility of the User seeking the special Discharge permit.
- (b) For those substances which may be the subject of a special Discharge permit including, but not limited to, those substances listed on Appendix A, the Authority shall by resolution periodically establish the level of each such substance which can be permitted in the WWTP influent without:
 - (1) preventing the effective operation of the Wastewater System,
 - (2) causing the WWTP to violate the provisions of any local, state or federal law or regulation which is applicable to the WWTP,
 - (3) having a detrimental effect on the Wastewater System, the receiving stream, or the land to which the WWTP sludge is applied, or
 - (4) causing the WWTP to violate the requirements of any permit applicable to its operation.
- (c) The Authority shall determine, from time to time, the actual level of the various substances eligible for a special Discharge permit which are in the WWTP influent.
- (d) For those substances which may be the subject of a special Discharge permit, the Authority shall by resolution periodically establish a safety reserve for each such substance which it deems necessary or advisable to protect the WWTP, the receiving stream and the land to which the WWTP sludge is applied (if applicable) and to accommodate any new or modified Discharge to the WWTP.
- (e) The Authority may then allocate the balance of the difference between the actual amount of the substance in the WWTP influent and the maximum allowable amount

in the WWTP influent, less the safety reserve referenced in subsection (d) above, among those Users of the Wastewater System (i) who anticipate discharging in excess of the limits specified in these Rules and Regulations, and (ii) who apply for a special Discharge permit to authorize such excess Discharge. To allocate the balance of the difference between the actual level of a substance in the WWTP influent and the maximum allowable headworks loading ("MAHL"), the Authority may implement a system for setting special alternative limits which incorporates a component of this allocation for batch Discharges. Special alternative limits may be approved when all of the following conditions are met:

- (1) The User requests a special alternative limit through the special alternative limit application process on an application form provided by the Authority. This request must include a written acknowledgment whereby the User consents to comply with all terms and conditions which may be imposed by the Authority.
 - (2) The Authority makes a determination that adequate Treatment capacity exists to allow this special alternative limit consistent with the MAHL.
 - (3) U.S. EPA, Region V and/or the DEQ, as appropriate, approves the technical basis for establishment of the special alternative limit;
 - (4) A proposed permit containing the increased limitation has been issued by the Authority in accordance with approved Pretreatment procedures developed to satisfy 40 CFR 403.5(c)(3); and
 - (5) The Authority determines that all comments received during the public comment period have been adequately addressed.
- (f) The allocation referenced in subsection (e) above between those Users applying for a special Discharge permit shall be in proportion to their flows unless the Authority shall determine that some other objective standard is more equitable.
- (g) In no event shall a special Discharge permit be granted or effective which authorizes a Discharge in excess of the limitations imposed by any final federal or state Pretreatment Standard or Discharge limit. In addition the Authority shall not consider any request for an increase above the maximums identified in Appendix A which was calculated based upon health or safety.
- (h) All special Discharge permits may be amended, restricted, suspended or terminated by the Authority at any time. It is recognized that as new Users connect to the Wastewater System, or for other reasons, it may be necessary to reduce and restrict the limits on the Discharge of substances specified in a special Discharge permit. No

holder of a special Discharge permit shall be deemed to have any vested right or property interest to Discharge substances as specified in such permit but instead only a temporary permissive right to Discharge within the limits specified in the special Discharge permit.

- (i) Additional fees may be charged to Users seeking a special alternative limit to compensate the Authority for its costs to review the User's application or request and to establish and administer the special alternative limit program, in addition to all other applicable fees and charges.

SECTION 4.11 PERMIT MODIFICATION. The Director may modify an individual Wastewater Discharge permit for good cause, including, but not limited to, the following reasons:

- (a) To incorporate any new or revised, Federal, State, or local Pretreatment Standards or requirements, including establishment of new or different Local Limits;
- (b) To address significant alterations or additions to the User's operation, processes, or Wastewater volume or character since the time of the individual Wastewater Discharge permit issuance;
- (c) A change in the Wastewater System that requires either a temporary or permanent reduction or elimination of the authorized Discharge;
- (d) Information indicating that the permitted Discharge poses a threat to the Wastewater System, Authority personnel, the receiving waters or the use or disposal of sludge;
- (e) Violation of any terms or conditions of the individual Wastewater Discharge permit;
- (f) Misrepresentations or failure to fully disclose all relevant facts in the Wastewater Discharge permit application or in any required reporting;
- (g) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13; or
- (h) To correct typographical or other errors in the individual Wastewater Discharge permit.

SECTION 4.12 VIOLATION OF PERMIT. A violation of any condition or restriction in a User's Discharge permit or special Discharge permit shall be deemed a violation of these Rules and Regulations.

CHAPTER 5

DATA COLLECTION AND REPORTING REQUIREMENTS

SECTION 5.1 SAMPLING FACILITIES. When required by the Director to assure adequate monitoring and control of the waste or Wastewater Discharge, the User of any building or premises served by a Building Sewer shall install a suitable control vault or station in the Building Sewer to facilitate observation, sampling and measurement of the waste or Wastewater being Discharged. Such control vault or station shall be equipped by the User with a suitable Composite Sampler and continuous flow recorder. Such vault or station shall be accessible and safely located and shall be constructed in accordance with plans approved in writing by the Director. Such vault or station shall be installed by the User at his cost and shall be maintained by him so as to be safe and accessible at all times. The person operating and maintaining such facilities shall, at the request of the Director, submit to the Director records or true copies thereof of the Wastewater or waste Discharged and such other reports and information as shall be necessary to assess and assure compliance with these Rules and Regulations.

SECTION 5.2 PRETREATMENT COMPLIANCE REPORTING.

- (a) **Compliance Data Report.** Within ninety (90) days following the date for final compliance with an applicable Pretreatment Standard or Discharge limit referenced in Section 2.3 or Section 2.4, or, in the case of a new kind of waste or Wastewater, following commencement of introduction of the new waste or Wastewater into the Wastewater System, any User subject to Pretreatment Requirements pursuant to these Rules and Regulations shall submit to the Authority a written report signed by an Authorized Representative, which report shall indicate the nature and concentration of all Pollutants in the Discharge from the regulated process which are limited by Pretreatment Standards or Discharge limits and the average and maximum daily flow for those process units in the User facility which are limited by such Pretreatment Standards or Discharge limits. The report shall also include a reasonable measure of the User's long term production rate. The report shall state whether the applicable Pretreatment Standards or Discharge limits are being met on a consistent basis and if not, what additional operation and maintenance or Pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Discharge limits.
- (b) **Periodic Compliance Reports.** Any CIU or other SIU subject to Pretreatment Standards or Discharge limits shall submit to the Authority semi-annually, unless required more frequently by the applicable Pretreatment Standard or by the Authority, or by applicable federal regulations, a report signed by an Authorized Representative, which report shall indicate the nature and concentration of the Pollutants in the effluent which are limited by the applicable Pretreatment Standard or Discharge limit. This report shall include a record of all daily flows. In cases where the Pretreatment

Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the User. In the discretion of the Director, and after considering such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may alter the months during which the above reports are to be submitted.

- (c) **Special Reports.** In those instances where a schedule of additional Pretreatment and/or implementation of additional operational and maintenance activities has been submitted pursuant to these Rules and Regulations or an Order, Notice or compliance schedule issued by the Director not later than fourteen (14) days following each milestone date in that schedule and the final date for compliance, the User shall submit to the Authority a progress report signed by a representative authorized to do pursuant to applicable federal regulations, which report shall include no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule. In no event shall more than nine (9) months elapse between such progress reports to the Authority. In addition, any User that anticipates or does make a batch Discharge, whether pursuant to a special Discharge permit or otherwise, shall provide such additional monitoring report(s) as and when requested by the Director in his discretion. Any User shall also provide any additional monitoring reports as and when reasonably requested by the Director.
- (d) All Wastewater samples must be representative of the User's Discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its Discharge.
- (e) As required by 40 CFR 403.12(g)(5), if a User monitors any Pollutant more frequently than required by the Director, the User shall report the results of such monitoring to the Authority.
- (f) Any User shall report to the Authority any violation of the terms of its Discharge permit and/or of these Rules as soon as possible and in any case within twenty-four (24) hours of learning of the violation.
- (g) In the event any User violates any Discharge limit contained in its Discharge permit, these Rules and Regulations, and/or state or federal statute, rule or regulation, it shall resample its effluent for the Pollutant(s) causing the violation(s) and provide the results to the Authority within thirty (30) days, unless sooner required by the Director. Resampling by the User is not required if the Authority performs sampling

at the User's facility at least once a month, or if the Authority performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Authority receives the results of this sampling, or if the Authority has performed the sampling and analysis in lieu of the User.

- (h) In his discretion, in lieu of or in addition to that required of the User, the Director may perform any sampling or analysis required under this Section. Such sampling and/or analysis shall not relieve a User from its obligation to perform sampling and/or analysis required by applicable law or these Rules and Regulations or otherwise required by the Authority.

SECTION 5.3 CERTIFICATION STATEMENTS. All reports required under this chapter shall be signed by an Authorized Representative of the User who is a legally authorized signatory as defined in 40 CFR 403.12(l), and shall contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the System or the person or persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

SECTION 5.4 ACCIDENTAL SPILLS, OR BATCH OR SLUG DISCHARGES.

- (a) In the case of an accidental spill or unanticipated non-customary batch Discharge, the User shall immediately telephone and notify the WWTP of the incident. This notification shall include the location of the spill, the type of waste, concentration, and volume, and corrective action.
- (b) In the case of an anticipated non-customary batch Discharge, the User shall provide telephone and written notice to the Director as long in advance of the anticipated Discharge as possible. The User shall also immediately confirm by telephone the actual occurrence of the anticipated Discharge, or notify the WWTP by telephone as soon as possible that the threat of the anticipated batch Discharge has passed.
- (c) The telephone notice(s) shall be followed up, within five (5) days of the spill or Discharge, with a detailed written report from the User to the Director describing the cause of the Discharge and the measures to be taken by the User to prevent similar future occurrences. This notification shall not relieve the User of any expense, loss

or damage or other liability which may be incurred as a result of the damage to the Wastewater System or any other damage to person or property resulting from the spill or Discharge. In addition, such notification shall not relieve the User of any fines, civil penalties or other liabilities which may be imposed pursuant to these Rules and Regulations or other applicable ordinance, law, rule or regulation.

- (d) SIU's are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

SECTION 5.5 SAMPLING REQUIREMENTS.

- (a) Except as indicated in subsections (d) and (e) below, the User must collect Wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Director. Where time-proportional composite sampling or grab sampling is authorized by the Director, the samples must be representative of the Discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate U.S. EPA guidance, multiple Grab Samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved U.S. EPA methodologies may be authorized by the Authority, as appropriate. In addition, Grab Samples may be required to show compliance with Instantaneous Limits.
- (b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (c) For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in Section 4.1 and 5.2(a), a minimum of four (4) Grab Samples must be used of pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required pursuant to Section 5.2(b), or other reports required from non-categorical SIU's, the User is required to collect the number of Grab Samples necessary to assess and assure compliance with applicable Pretreatment Standards and requirements.

SECTION 5.6 RECORDKEEPING. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by or pursuant to these Rules and Regulations, any additional records of information obtained pursuant to monitoring activities

undertaken by the User independent of such requirements, and documentation associated with BMPs. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five (5) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Authority, or where the User has been specifically notified of a longer retention period by the Director. Such records shall be made available for inspection and copying at the request of the Director, the DEQ or the U.S. EPA.

SECTION 5.7 HAZARDOUS WASTE NOTIFICATION. A User shall notify in writing the Authority, the U.S. EPA Regional Waste Management Director, and the appropriate hazardous waste authorities of the DEQ of any Discharge into the Wastewater System of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the information and be made within the time frame as required in 40 CFR 403.12(p) and as required by an other applicable law.

SECTION 5.8 MEASUREMENT.

- (a) All measurements, tests and analysis of the characteristics of Wastewater and waste to which reference is made in these Rules and Regulations shall be determined in accordance with the methods set forth in 40 CFR Part 136, or if specifically authorized by the DEQ and/or the U.S. EPA, alternatively in accordance with "Standard Methods for Examination of Water and Sewage," as amended; a joint publication of the American Public Health Association, the American Waterworks Association, and the WEF, or similar successor publication. All determinations shall be made based on samples taken at a control vault or station. If no vault or station has been required, then such determination shall be made at the nearest downstream manhole in the Public Sewer from the point at which the Building Sewer is connected to the Public Sewer.
- (b) For purposes of BMR's and ninety (90) day Compliance Reports (see Section 5.2(a) above) and periodic compliance reports, samples must be taken and analyzed as required under 40 CFR 403.12 (b)(5).
- (c) The Authority may convert Pollutant Discharge limits expressed as concentration limits to equivalent mass-per-day limits, as determined pursuant to 40 CFR 403.6(c) and/or other applicable law.

SECTION 5.9 CONFIDENTIAL INFORMATION. Information and data concerning a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public and other governmental agencies without restriction, subject to the provisions set forth below and applicable state and federal law.

A User may specifically request that such information and data not be divulged because it is information, processes or methods of production entitled to protection as trade secrets of the User. Wastewater constituents and characteristics shall not be considered as confidential information.

To the extent permitted by law, information accepted by the Authority as confidential shall not be transmitted to any governmental agency or to the general public by the Authority unless authorized by the User. If the User refuses to authorize transmittal of information to a person requesting it, the User shall defend such request and/or indemnify and hold the Authority harmless from the costs, expenses and liability resulting from the denial of such request. However, notwithstanding any other provision of this Section, the U.S. EPA and/or the DEQ) shall have immediate and unlimited access to (subject to the confidentiality rules applicable to it) any information (whether or not it is otherwise deemed confidential) collected or maintained by the Authority.

SECTION 5.10 INSPECTION. The Authority and its employees and agents, when bearing proper credentials and identification, shall be permitted, with or without advance notice, to enter in and upon buildings and premises and to set up or install equipment on the User's premises as may be necessary or appropriate for the purposes of inspection, surveillance, measurement, sampling and testing to determine compliance with these Rules and Regulations. Denial of or unreasonable delays to entry to Authority personnel shall be grounds for the Authority to immediately terminate service to that User.

CHAPTER 6

VIOLATIONS AND REVIEW OF DECISIONS

SECTION 6.1 NOTIFICATION OF VIOLATION. Whenever the Director finds that any User has engaged in conduct which is in violation of these Rules and Regulations, or a permit or order issued hereunder, the Director may serve or cause to be served upon such User, a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within thirty (30) days of the date of receipt of the notice, the User shall respond personally or in writing to the Authority, advising of the User's position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and where necessary, establish a plan for the satisfactory correction thereof. This provision shall be in addition to and shall not restrict the Authority's right to take other enforcement measures allowed by these Rules and Regulations or by other applicable law. No actions or responses contemplated in this Section shall relieve the User of liability for any violations occurring before or after receipt of the notice of violation or the User's response thereto.

SECTION 6.2 OTHER ADMINISTRATIVE ACTIONS.

- (a) **Consent Orders.** The Director is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial User responsible for the non-compliance. Such orders will include compliance schedules, stipulated fines and/or remedial actions, and signatures of Authorized Representatives of the User and Authority.
- (b) **Show Cause Order.** The Director may order any User which causes or contributes to violation of these Rules and Regulations, Discharge permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be serviced on any principal executive, general partner or corporate officer. Whether or not a duly notified User appears as noticed, enforcement action may be pursued as appropriate.
- (c) **Compliance Order.** When the Director finds that a User has violated or continues to violate these Rules and Regulations or a permit or order issued thereunder, he may issue an order to the User responsible for the Discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate Treatment facilities, devices, or other related appurtenances have been installed and are properly operated, and compliance is achieved. Orders may also contain such other requirements as may be reasonably necessary or appropriate to address the non-compliance, including the installation of Pretreatment technology; additional self-

monitoring; and waste, Wastewater and/or hazardous materials management practices.

- (d) **Cease and Desist Orders.** When the Director finds that a User has violated or continues to violate these Rules and Regulations or any permit or order issued hereunder, he may issue an order to cease and desist all illegal or un-authorized Discharges immediately.
 - (1) In an emergency, the order to cease and desist may be given by telephone.
 - (2) The cease and desist order may be used to suspend or permanently revoke industrial Wastewater Discharge permits.
 - (3) The cease and desist order may order the User to take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating Discharge(s) into the Wastewater System.
- (e) **Administrative Fines or Penalties.** Notwithstanding any other Section of these Rules and Regulations, any User who is found to have violated any provision of these Rules and Regulations, or permits and orders issued hereunder, shall be subject to a fine or penalty in an amount not to exceed \$1,000.00 per violation, or such greater amount as is permitted by law. Each day on which non-compliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the User's next scheduled sewer service charge and the Authority and/or Constituent Municipality shall have such other collection remedies as they may have under applicable law to collect other service charges. A User desiring to dispute such fines or penalties must file a request for the Authority to reconsider the fine or penalty pursuant to Section 6.3.
- (f) Notwithstanding the preceding paragraph, the schedule of guidelines for fines set forth in the ERP, as may be amended by resolution of the Authority Board from time to time, shall be applicable. If an Industrial User agrees to and enters into an administrative consent order pursuant to Section 6.2(a), the Authority and the Industrial User may agree on a different fine amount as the Director determines to be acceptable in light of applicable circumstances.
- (g) **Emergency Suspensions.**
 - (1) The Director may suspend the Wastewater service and/or Wastewater permit of a User whenever such suspension is necessary in order to stop an actual or threatened Discharge presenting or causing an imminent or substantial

endangerment to the health or welfare of persons, the Wastewater System, or the environment.

- (2) Any User notified of a suspension of Wastewater service and/or its Wastewater permit, shall immediately stop or eliminate its Discharge into the Wastewater System. In the event a User fails to immediately comply voluntarily with the suspension order, the Director shall take such steps as he deems necessary, including immediate severance of the sewer connection, to prevent or minimize damages to the Wastewater System, its receiving stream, or endangerment to any individuals. The Director shall allow the User to recommence its Discharge when the endangerment has passed, unless he institutes termination of the User's Discharge permit as provided in subsection (h) of this Section.
 - (3) A User that is responsible, in whole or in part, for imminent endangerment, shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Authority within ten (10) days, or such other time as determined by the Director prior to the date of the administrative review described in these Rules and Regulations.
- (h) Termination of Permit. An individual Wastewater Discharge permit may be terminated for any of the following:
- (1) Violation of permit conditions;
 - (2) Failure to accurately report the Wastewater constituents and characteristics of its Discharges;
 - (3) Failure to report significant changes in operations or Wastewater constituents and characteristics;
 - (4) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling;
 - (5) Falsifying reports or certification statements;
 - (6) Tampering with equipment;
 - (7) Failure to pay any fees, charges, costs or fines.
 - (8) Violation of an Order issued pursuant to these Rules and Regulations;

- (9) Violation of any applicable state or federal law.

Non-compliant Users will be notified of the proposed termination of their Wastewater permit and in nonemergency situations shall be offered an opportunity to show cause under subsection (b) of this Section why the proposed action should not be taken.

SECTION 6.3 ADMINISTRATIVE REVIEW OF AUTHORITY DECISIONS.

- (a) Introduction. The procedures set forth in this Section shall be used to review Authority decisions under these Rules and Regulations.
- (b) Initial Review.
 - (1) Any person aggrieved by a decision under these Rules and Regulations may petition that the Authority review its decision.
 - (2) The Authority, through its Director, shall review a decision according to this subsection if it receives a petition for review within thirty (30) days after the person petitioning review received notice of the decision, except as provided in subsection (c) of this Section. Failure by the User to timely submit an administratively complete petition for review shall be deemed a waiver of the administrative review.
 - (3) A request for review shall be in writing and shall contain facts and arguments supporting modification or reversal of the decision.
 - (4) Within fifteen (15) days after receiving the request for review, the Director shall review the decision or provide to the person requesting review notification of when the review will be complete. The Director may affirm, reverse, or modify the initial decision. The Director shall provide to the person requesting review, a written decision and the reasons for the decision. If the decision is adverse to the person requesting review, the decision shall indicate the procedures necessary for an appeal and the date by which the User must initiate the appeal. If the Director fails to act within the time indicated in or pursuant to this subsection, the petition shall be deemed denied.
- (c) Any User whose permit is revoked or suspended, any User or potential User whose application for a permit is denied, or any User or potential User whose permit is conditioned or restricted in a manner which is unacceptable to the applicant, shall have the right to a hearing before the Authority Board, provided a written request therefore is filed with the Authority within ten (10) days following the delivery or mailing of the decision by the Director pursuant to subsection (b) of this Section, or

within ten (10) days following the denial of the application for a permit or the granting of a permit with unacceptable conditions or restrictions. The Director shall be present at the hearing, and the Director shall determine whether a representative of the Authority's consulting engineer shall be present at the meeting.

- (d) The Authority Board may uphold or reverse any determination to issue or to deny the issuance of a permit, the imposition of any condition or restriction, or any revocation of a permit. The Authority Board may also grant or reinstate any permit.
- (e) Exhaustion. An Authority decision under these Rules and Regulations is not final until a person has exhausted all of the procedures of this Section. A decision under subsection (d) shall be a final determination for purposes of judicial review by any party.

SECTION 6.4 EFFECTIVENESS OF AUTHORITY DECISIONS DURING REVIEW. During the pendency in any forum of any challenge to an Authority decision, a User affected by the decision shall comply with the decision.

SECTION 6.5 SUBPOENAS. The Director may issue a subpoena to require the attendance of a witness or the production of documents or other materials at a hearing or to assist an investigation undertaken by the Authority.

SECTION 6.6 CITATIONS AND APPEARANCE TICKETS. The Director may issue a citation or appearance ticket to any person who is reasonably believed to have violated these Rules and Regulations. Fines and/or penalties as described in subsections 6.8(b)(1) and 6.8(c)(1) are applicable to violation(s) which are the subject of such a citation or appearance ticket, and shall be determined based on the ERP and any other factors described in these Rules and Regulations.

SECTION 6.7 LEGAL ACTION. If any person Discharges Wastewater or waste into the Wastewater System contrary to the provisions of these Rules and Regulations, or otherwise violates any Pretreatment Standard or requirement (including both Discharge and Non-Discharge violations), the Authority may commence an action for appropriate legal and/or equitable relief.

SECTION 6.8 JUDICIAL REMEDIES. If any person Discharges Wastewater, or other wastes into the Wastewater System contrary to the provisions of these Rules and Regulations, or any order or permit issued hereunder, the Director, through the Authority's attorney, may commence an action for appropriate legal and/or equitable relief in the District or Circuit Court for Kent County.

- (a) Injunctive Relief. Whenever a User has violated or continues to violate the provisions of these Rules and Regulations or of a permit or order issued hereunder, the Director, through the Authority's attorney, may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the User. To the extent permitted by

applicable law it shall be presumed that violations of these Rules and Regulations shall result in irreparable harm to the Wastewater System, its personnel, the public and/or the environment.

(b) **Civil Penalties.**

- (1) Any User who has violated or continues to violate these Rules and Regulations or any order or permit issued hereunder, shall be liable to the Authority for a civil fine of not more than \$1,000.00, or such greater amount as is permitted by law, plus actual damages incurred by the Authority, per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the Authority may recover reasonable attorney's fees, engineering fees, court costs, and other expenses associated with the investigation, surveillance and/or enforcement activities, such as sampling, monitoring and analysis expenses, including the time devoted by the Director and other Authority staff.
- (2) The Director shall petition the Court to impose, assess, and recover such sums. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions voluntarily taken by the User, the compliance history of the User, and any other factor as justice requires.

(c) **Criminal Prosecution.**

- (1) **Violations - Generally.** Any User who willfully or negligently violates any provision of these Rules and Regulations or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$500.00 per violation per day or imprisonment for not more than ninety (90) days, or both, or such greater amount or imprisonment as is permitted by law.
- (2) **Falsifying Information.** Any User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to these Rules and Regulations or any order or permits hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these Rules and Regulations shall, upon conviction, be punished by a fine of not more than \$500.00 per violation per day or imprisonment for not more than ninety (90) days or both, or such greater

amount or imprisonment as is permitted by law, or be punished under any other applicable state or federal law.

SECTION 6.9 RULES FOR CONTINUING VIOLATIONS.

- (a) A separate violation occurs for each Pollutant that exceeds an applicable Pretreatment Standard and for each report that is late;
- (b) Each day on which a violation occurs is a separate violation;
- (c) Any non-compliance with or violation of any Pretreatment Standard that is a monthly or other average, shall be deemed a violation for each day of the averaging period;
- (d) If for any period a User has violated both a maximum and an average Pretreatment Standard for a particular Pollutant, then the total number of violations is the sum of the days on which the maximum standard was violated plus the number of the averaging periods for which the maximum standard was violated; and
- (e) One (1) violation occurs on:
 - (1) Each day (including each additional day) that a report is late; and
 - (2) Each day after an action required to be completed is not completed.

SECTION 6.10 PUBLIC NUISANCES. Any violation of the prohibitions of these Rules and Regulations or permit or order issued hereunder is hereby declared a public Nuisance and shall be corrected or abated as directed by the Director, including reimbursing the Director for any costs incurred in removing, abating, or remedying said Nuisance. Any person(s) creating a public Nuisance, per se, shall also be subject to the provisions of the applicable Constituent Municipality's ordinance governing such Nuisance.

SECTION 6.11 WATER SUPPLY SEVERANCE. Whenever a User has violated or continues to violate any provision of these Rules and Regulations, an individual Wastewater Discharge permit, or order issued hereunder, or any other Pretreatment Standard or requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply to the Director.

SECTION 6.12 REMEDIES NONEXCLUSIVE. The remedies provided for in this ordinance are not exclusive. The Director may take any, all or any combination of these actions against a non-compliant User. Enforcement of Pretreatment violations will generally be in accordance with the Authority's ERP. However, the Director may take other action against any User when the circumstances warrant. Further, the Director is empowered to take more than one (1) enforcement action against any non-compliant User.

SECTION 6.13 ENFORCEMENT RESPONSE PLAN.

- (a) The Authority shall adopt an ERP. This plan shall contain procedures for investigating and eliminating non-compliance with Pretreatment Standards or requirements. At a minimum, the plan shall discuss:

 - (1) How the Authority will investigate instances of non-compliance;
 - (2) The various types of enforcement responses used by the Authority, the violations for which the responses will be used, and the timing of these responses; and
 - (3) The persons responsible for each response.
- (b) The ERP provides only explanatory material and is merely informational in nature. The ERP does not create legal rights or obligations and does not limit the enforcement discretion of the Authority.

CHAPTER 7

FEES AND CHARGES

SECTION 7.1 GENERAL. The Authority and/or the Constituent Municipality(ies) shall establish the standard rates and charges applicable to Users for Discharges to the Wastewater System. The Authority may impose other charges and fees as it determines to be appropriate, as authorized under these Rules and Regulations.

SECTION 7.2 INDUSTRIAL SURVEILLANCE FEE. With respect to all Users that are required to maintain preliminary Treatment facilities or sampling facilities pursuant to Chapter 3, the Authority, acting itself or in conjunction with the Constituent Municipalities, shall institute a program pursuant to which Authority and/or Constituent Municipality personnel, as the case may be, periodically check and assess, through the taking of their own samplings, the accuracy and completeness of the sampling records and other reports and information provided to the Authority pursuant to these Rules and Regulations. The cost and expense of the Authority incurred in conducting this program of periodic review may be recovered from an industrial surveillance charge to be established by the Authority from time to time by resolution and charged to the Constituent Municipalities and/or directly to the User. The amount of this charge shall be determined for each User or class of Users to which it applies and if billed by the Constituent Municipalities, shall be billed as part of each affected sewer customer's periodic sewer billing.

If, based upon his review, the Director determines that the sampling records or other reports and information provided by a User are not substantially accurate or are otherwise inadequate, the Director may institute such sampling, laboratory analysis and other procedures necessary to accurately sample and measure the waste and Wastewater being Discharged. All expenses and charges incurred by the Authority and/or any Constituent Municipality for such sampling, review and analysis shall be charged to the affected sewer customer, either directly by the Authority or through and by the applicable Constituent Municipality.

In addition, in its discretion, the Authority may directly or through the applicable Constituent Municipality charge a User pursuant to this Section if the Authority performs any sampling and analysis required to be performed by the sewer customer pursuant to these Rules and Regulations.

SECTION 7.3 SURCHARGES. The Authority may establish a system pursuant to which all non-domestic Users of the Wastewater System shall pay a surcharge for the Discharge of Wastewater or waste containing more of a substance than the threshold amount or concentration established by the Authority. However, nothing contained in this Section shall affect the obligation of a User to comply with the Discharge limits in its local Discharge permit and these Rules, or to obtain a special Discharge permit as necessary or desired by the User where applicable.

The amount of such surcharge shall be established periodically by Authority Board resolution and shall be billed to the User by the Authority or by the Constituent Municipality within which the

User is located, or which is otherwise responsible for billing the User. The amount of such surcharge shall be based on samples taken by the Authority, or a Constituent Municipality on its behalf, of a frequency and number as determined by the Director. In the alternative, with the prior written approval of the Authority, the User may utilize an independent company to take such samples, at the User's expense, under conditions and standards determined to be acceptable by the Director.

SECTION 7.4 RECOVERY OF COSTS. Any User violating any of the provisions of these Rules and Regulations or who Discharges or causes a Discharge producing a deposit or obstruction, or causes damage to or impairs the Wastewater System, shall be liable to the Authority for any expense, loss, or damage caused by such violation or Discharge. The Authority or the Constituent Municipality within which the User is located may bill the User for the costs incurred by the Authority for any cleaning, repair, or replacement work caused by the violation or Discharge. If the Authority bills the Constituent Municipality, the Constituent Municipality may in turn bill the User.

SECTION 7.5 OTHER FEES AND CHARGES. In addition to the other fees and charges specifically provided for in these Rules and Regulations, the Authority may adopt by resolution, other charges and fees which may include:

- (a) Fees for reimbursement of costs of setting up and operating the Authority's Pretreatment program;
- (b) Fees for monitoring, inspection and surveillance procedures including the cost of reviewing monitoring reports submitted by a User;
- (c) Fees for reviewing accidental Discharge procedures and construction;
- (d) Fees for permit applications including the cost of processing such applications;
- (e) Fees for filing appeals;
- (f) Other fees as the Authority may deem necessary to carry out the requirements contained herein.

SECTION 7.6 INTEREST. Unpaid charges, fees, costs, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of one and one-half percent (1.5%) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one-half percent (1.5%) per month. Unpaid charges, fees, costs, fines and penalties shall constitute a lien against the User's property.

CHAPTER 8

GENERAL

SECTION 8.1 PROTECTION FROM DAMAGE. No unauthorized person shall enter or maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, equipment or other part of the Wastewater System.

SECTION 8.2 EFFECT OF AUTHORITY APPROVAL OF PLANS, SPECIFICATIONS, OR OPERATING PROCEDURES. Authority approval of plans, specifications, or operating procedures does not entitle a User to relief from enforcement actions if the Treatment facilities do not achieve compliance with applicable Pretreatment Standards and requirements.

SECTION 8.3 EMERGENCY ACTION. Notwithstanding any other provision of these Rules and Regulations, the Director may, for good cause shown, suspend the Wastewater Treatment service to a User when it appears to the Director that an actual or threatened Discharge presents or threatens an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, interferes with the operation of the Wastewater System, or violates any Pretreatment limits imposed by these Rules and Regulations. Any User notified of a suspension of Wastewater Treatment service shall cease all Discharges at the time directed by the Director or as soon as reasonably possible. In the event of failure of the User to comply voluntarily with the suspension order within the specified time, the Authority may commence judicial proceedings immediately thereafter to compel the User's compliance with such order. The Authority shall reinstate the Wastewater Treatment service and terminate judicial proceedings upon proof by the User of the elimination of the non-complying Discharge or conditions creating the threat of imminent or substantial danger as set forth above.

SECTION 8.4 ADMINISTRATIVE DETERMINATIONS OF THREAT TO WASTEWATER SYSTEM. The Director shall have the power to make all determinations (which shall be binding on all Users) as to whether any Discharge or threatened Discharge could threaten, endanger, or cause problems to or threaten the Wastewater System, compliance with the Authority's NPDES permit, or to the health, safety and welfare of the Authority's personnel.

SECTION 8.5 FALSIFICATION OF INFORMATION. Any person who knowingly makes any false representation, statements or certification in any application, report, record, plan or other document filed or required to be maintained pursuant to these Rules and Regulations, or who falsifies, tampers with or knowingly renders inaccurate any monitoring or sampling device shall be guilty of violation of these Rules and Regulations.

SECTION 8.6 ANNUAL PUBLICATION OF SIGNIFICANT NON-COMPLIANCE. The Authority shall annually publish in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the Wastewater System, a list of the Users which have been determined by the Director to be in Significant Non-Compliance during the twelve (12)

previous months. This notification shall also summarize any enforcement actions taken against the User during the same twelve (12) months.

CHAPTER 9

MISCELLANEOUS PROVISIONS

SECTION 9.1 ADMINISTRATIVE LIABILITY. No officer, agent or employee of the Authority or member of the Authority Board shall render himself or herself personally liable for any damage that may accrue to any person as a result of any acts, decisions or other consequence or occurrence arising out of the Discharge of their duties and responsibilities pursuant to these Rules and Regulations.

SECTION 9.2 SEVERABILITY. These Rules and Regulations and the various parts, sections, paragraphs, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of these Rules and Regulations shall not be affected thereby.

SECTION 9.3 EFFECTIVE DATE. These Rules and Regulations were approved and adopted by the Authority Board by resolution on _____, 2008. These Rules and Regulations shall be effective thirty (30) days after publication on _____, 2008, in the _____.

APPENDIX A

Inorganic	Daily Maximum (mg/l)	
Arsenic	1.00	
Cadmium	0.59	
Chromium (Total)	13.64	
Copper	3.97	
Cyanides (Total)	0.23	
Lead	7.50	
Mercury	ND ¹	
Molybdenum	84.20	
Nickel	6.58	
Selenium	0.79	
Silver	54.17 ²	
Zinc	2.3	
Organic	Daily Maximum (mg/l)	
Total phenols	0.46 ³	
Polychlorinated biphenyls	ND ⁴	
Organic - Compatible	Daily (mg/l)	Maximum pounds/day
Biological Oxygen Demand (BOD) ⁵	790	165
Total Suspended Solids (TSS) ⁶	1055	220
Total Phosphorus (TP) ⁷	35	7
Ammonia-N ⁸	317	66

¹ Mercury sampling procedures, preservation and handling, and analytical protocol for compliance monitoring shall be in accordance with U.S. EPA Method 245.1. The detection limit shall not exceed 0.2ug/l unless higher limits are approved due to matrix Interference, or as specified in these Rules and Regulations.

² End-of-process discharge limit in lieu of uniform allocation limit method.

³ Total Revocable, per U.S. EPA Method 420.1

⁴ Indicates nonquantifiable per U.S. EPA Method 608.

⁵ Total BOD capacity available for special allocation among all users and safety reserve is 7358 pounds/day.

⁶ Total TSS capacity available for special allocation among all users and safety reserve is 10,664 pounds/day.

⁷ Total TP capacity available for special allocation among all users and safety reserve is 550 pounds/day.

⁸ Total Ammonia Nitrogen capacity available for special allocation among all users and safety reserve is 6097 pounds/day.