

## **CHARLES RIVER POLLUTION CONTROL DISTRICT**

### **SEWER USE REGULATIONS**

Pursuant to the provisions of Massachusetts General Laws Chapter 83, Section 10, the Charles River Pollution Control District hereby establishes the following Regulations governing the use of the wastewater collection and treatment system of the Charles River Pollution Control District.

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

##### **1.1 Purpose and Policy**

These Regulations set forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Charles River Pollution Control District (the "District"), and enable the District to comply with all applicable requirements under Massachusetts and federal law, including, without limitation, the Clean Water Act of 1977 and the General Pretreatment Regulations promulgated thereunder at 40 C.F.R. Part 403; the National Pollutant Discharge Elimination System Permit, issued to the District by the United States Environmental Protection Agency (Federal Permit No. MA 0102598) and the Massachusetts Department of Environmental Protection (State Permit No. M-196); and Massachusetts General Laws Chapter 21 and the Pretreatment Regulations promulgated thereunder at 314 C.M.R. §§2.00, 7.00, and 12.00.

These Regulations shall apply to the District and to persons who are, by contract, agreement, or permit with the District, users of the District's Wastewater Treatment Facility (the "Facility"). These Regulations supersede in their entirety the "Rules and Regulations Governing the Waters and Wastes Discharged Into Any Facility Under the Control of the Charles River Pollution Control District" adopted by the District Commission in 1978. Except as otherwise provided herein, the Director of the District shall, pursuant to the authorization of the District Commission, administer, implement, and enforce the provisions of these Regulations.

##### **1.2 Definitions**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in these Regulations, shall have the meanings hereinafter designated:

(a) Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251 et seq., and the regulations promulgated thereunder, as amended from time to time.

(b) Authorized or Duly Authorized Representative of the User.

(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 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 where 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 District.

(c) Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(d) Biochemical Oxygen Demand ("BOD"). The quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedures in five (5) days at 20° centigrade, expressed in terms of milligrams per liter (mg/l), in the biochemical oxidation of organic matter under standard laboratory procedure.

(e) Bypass. The intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

(f) Cooling Water. The water discharged from any use, such as air conditioning, cooling, or refrigeration, to which the only pollutant added is heat.

(g) Consistent Removal. The reduction in the amount of a pollutant or alteration of the nature of a pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent, as set forth in 40 C.F.R. §403.7.

(h) Control Authority. Refers to the POTW since the Pretreatment Program has been

approved in accordance with the requirements of Sec. 403.11.

(i) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Massachusetts.

(j) Director. The Director of the District, designated by the District Commission to supervise the operation of the Facility, and who is charged with certain duties and responsibilities under these Regulations, or the Director's duly-authorized representative.

(k) District. The Charles River Pollution Control District, acting through its Commission and its Director.

(l) Division. The Director of the Water Management Division of the U.S. Environmental Protection Agency ("EPA"), and the Director of the Division of Water Pollution Control in the Massachusetts Department of Environmental Protection ("DEP"), established pursuant to M.G.L. c. 21, §26.

(m) Domestic Source. Any residence, building, structure, facility, or installation from which there is or may be discharged to the Facility only sanitary sewage, in an amount less than two thousand (2,000) gallons per day, as determined in accordance with the Sewage Flow Estimates published at 314 C.M.R. §7.15, which are incorporated herein by reference.

(n) Garbage. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

(o) Indirect Discharge. The discharge or the introduction into the Facility of pollutants from any source, other than a Domestic Source, regulated under section 307(b), (c), or (d) of the Act.

(p) Industrial User. A source of Indirect Discharge or any source which discharges two thousand (2,000) or more gallons per day of sanitary sewage to the Facility.

(q) Industrial Waste. Any liquid, gaseous, or solid waste substance, or a combination thereof, resulting from any process of industry, manufacturing, trade, or business or from the development or recovery of any natural resources.

(r) Interference. A discharge which, alone or in conjunction with discharges from

other sources, inhibits or disrupts the Facility, its treatment processes or operations, or its sludge processes, use or disposal and which is a cause of a violation of any requirement of the District's NPDES Permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal by the Facility in accordance with applicable federal, state, or local statutes and regulations or permits issued there under, as set forth in 40 C.F.R. §403.3(i).

(s) National Pretreatment Standard, Pretreatment Standard, or Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Act which applies to Industrial Users, including the specific discharge prohibitions found in 40 C.F.R. §403.5.

(t) New Source. Any building, structure, facility, or installation, as described in 40 C.F.R. 403.3(m), from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section.

(u) National Pollutant Discharge Elimination System or NPDES Permit. A permit issued pursuant to section 402 of the Act, 33 U.S.C. §1342, and M.G.L. c. 21, §43.

(v) Pass Through. The discharge of pollutants through the Facility into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's NPDES Permit (including an increase in the magnitude or duration of a violation).

(w) Person. Any individual, partnership, public or private corporation or authority, association, trust, estate, governmental entity, agency or political subdivision of a municipality, the Commonwealth of Massachusetts, or the United States, or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

(x) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen

ions expressed in grams per liter of solution.

(y) Pollutant. Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, in whatever form and whether originating at a point or major non-point source, which is or may be discharged, drained, or otherwise introduced into any sewerage system, treatment works, or waters of the Commonwealth.

(z) Pollution. The presence in the environment of conditions or contaminants in quantities or characteristics which are or may be injurious to human, plant, or animal life or to property, or which unreasonably interferes with the comfortable enjoyment of life and property throughout such areas as may be affected thereby.

(aa) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Facility. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 C.F.R. §403.6(d).

(bb) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on a User.

(cc) Publicly Owned Treatment Works ("Facility"). The treatment works, as defined by Section 212 of the Act, owned by the District and known as the Charles River Pollution Control District Wastewater Treatment Facility (the "Facility"). This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes those sewers, pipes, and other conveyances which convey wastewater to the Facility. For the purposes of these Regulations, POTW shall also include any sewers that convey wastewaters to the Facility from persons who are, by permit, contract, or agreement with the District, Users of the Facility.

(dd) Facility Treatment Plant. That portion of the Facility designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

(ee) Sanitary Sewage shall mean liquid and water-carried human and domestic wastes from residences, commercial buildings, industrial plants and institutions, exclusive of ground, storm and surface water and exclusive of industrial wastes.

(ff) Sanitary Sewer shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

(gg) Septage shall mean wastes from holding tanks, such as chemical toilets, campers, or trailers, and wastes from septic tanks and cesspools.

(hh) Sewage is the spent water of a community. The preferred term is wastewater.

(ii) Sewer shall mean a pipe or conduit that carries wastewater.

(jj) Sewerage system shall mean any device, equipment, or works used in the transportation, pumping, storage, treatment, recycling, and reclamation of sewage and industrial wastes.

(kk) Shall is mandatory, May is permissive.

(ll) Significant Industrial User.

(1) Except as provided in Section 1.2(ll)(2) of these Regulations, Significant Industrial User means:

(i) all Industrial Users subject to Categorical Pretreatment Standards under 40 C.F.R. 403.6 and 40 C.F.R. chapter I, subchapter N; and

(ii) any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the Facility (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the Facility treatment plant; or is designated as such by the Director on the basis that the Industrial User has a reasonable potential for adversely affecting the Facility's operation or for

violating any Pretreatment Standard or Requirement (in accordance with 40 C.F.R. 403.8(f)(6)).

(2) Upon a finding that an Industrial User meeting the criteria in Section 1.2(l)(1)(ii) of these Regulations has no reasonable potential for adversely affecting the Facility's operation or for violating any Pretreatment Standard or Requirement, the Director may at any time, upon his or her own initiative or in response to a petition received from an Industrial User, and in accordance with 40 C.F.R. 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

(mm) Sludge shall mean waste containing varying amounts of solid contaminants removed from water, sanitary sewage, wastewater or industrial wastes by physical, chemical, and biological treatment.

(nn) Slug Discharge. Any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the District's regulations, local limits, or permit conditions.

(oo) Standard Industrial Classification ("SIC"). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended from time to time.

(pp) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting therefrom.

(qq) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

(rr) Town. A municipality which, by contract or other agreement, contributes wastewater to the Facility, acting through its Town Council, Board of Selectmen or Board of Water and Sewer Commissioners, or their duly-authorized representative.

(ss) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in



regulations promulgated by the Administrator of the Environmental Protection Agency under section 307(a) of the Act, or other Acts; or in regulations promulgated under M.G.L. c. 21, including, but not limited, to 314 C.M.R. §§3.00, 7.00, and 12.00.

(tt) User. Any Domestic Source or Industrial User which discharges wastewater to the Facility.

(uu) Wastewater. The liquid and water-carried industrial, non-domestic or domestic wastes, including sewage, industrial waste, other wastes, or any combination thereof, from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present.

(vv) Waters of the Commonwealth. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, border upon or are within the jurisdiction of the Commonwealth.

(ww) Wastewater Discharge Permit or Permit. The document issued by the District, as set forth in Section 3.1 of these Regulations.

## SECTION 2. - REGULATION OF WASTEWATER DISCHARGES

### 2.1 General Discharge Prohibitions

No person may introduce into a POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in Section 2.2 of these Regulations apply to each person introducing pollutants into a POTW whether or not the person is subject to other National Pretreatment Standards or any national, state, or local Pretreatment Requirements.

### 2.2 Specific Discharge Prohibitions

Supplementing the provisions of Section 2.1, above, and not by way of limitation, the following discharges to the Facility are specifically prohibited:

(a) Ground, storm, and surface waters, roof runoff, subsurface drainage, uncontaminated cooling water, and uncontaminated industrial process waters. These discharges shall be made only to such sewers as are specifically designated by the Director as storm sewers, or to a natural outlet, as may be permitted under an applicable NPDES permit.

(b) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to create a fire or explosion hazard or be injurious in any other way to the Facility or to the operation of the Facility. Pollutants which create a fire or explosion hazard include, but are not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 C.F.R. §261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, fuel oil, crude oil, lubricating oils, any other oils or greases of hydrocarbon or petroleum origin, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which the District, the Division or the EPA has notified the person is a fire hazard or a hazard to the system.

(c) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the Facility such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, rubber, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(d) Any wastewater having a pH less than 5.0, (or more than 12.0) or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the Facility.

(e) Any wastewater containing toxic or objectionable pollutants in sufficient quantity

or concentration, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters of the Facility, or to exceed the limitations set forth in a National Categorical Pretreatment Standard, the Local Discharge Limitations prescribed herein at Section 2.5, or an Industrial Discharge Permit issued pursuant to these Regulations. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act listed at 40 C.F.R. Part 403, App. B.

(f) Any substances which result in the presence of toxic gases, vapors, or fumes within the Facility in a quantity that may cause acute worker health and safety problems.

(g) Any substance which may cause the Facility's effluent or any other product of the Facility such as residues, sludges, or scums, to be unsuitable for disposal in a permitted landfill or for reclamation and reuse, or to interfere with the reclamation and reuse, or to interfere with the reclamation process. In no case shall a substance discharged to the Facility cause the Facility to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; or with any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, or state criteria applicable to the sludge management method being used.

(h) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference to the Facility.

(i) Any slug discharge, as defined at Section 1.2(II).

(j) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(k) Any wastewater having a temperature which will inhibit biological activity in the Facility resulting in Interference, but in no case wastewater with a temperature at the introduction into the Facility which exceeds 40°C (104°F), unless the Division, upon request of the District, approves alternate temperature limits.

(l) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits necessary to comply with applicable state or federal regulations.

(m) Any sludges or deposited solids resulting from an industrial pretreatment process.

(n) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.

(o) Any trucked or hauled pollutants, except at discharge points designated by the Director.

(p) Medical Wastes, except as specifically authorized by the Director in an individual wastewater discharge permit.

### 2.3 National Categorical Pretreatment Standards

Upon the promulgation of National Categorical Pretreatment Standards for a particular industrial subcategory, the Pretreatment Standard, if more stringent than limitations imposed under these Regulations, shall immediately supersede, for Industrial Users in that subcategory, the limitations imposed under these Regulations. The Director shall notify all affected Industrial Users of the applicable requirements under the Act; 314 C.M.R. §§2.00, 7.00 and 12.00; and subtitles C and D of the Resource Conservation and Recovery Act.

### 2.4 Modification of National Categorical Pretreatment Standards

Pursuant to 40 C.F.R. §403.7, where the Facility achieves consistent removal of pollutants limited by a National Categorical Pretreatment Standard, the District may apply to the Division for modification of the discharge limits for a specific pollutant covered in the relevant National Categorical Pretreatment Standards in order to reflect the Facility's ability to remove said pollutant. The District may modify pollutant discharge limits contained in a National Categorical Pretreatment Standard only if the requirements of 40 C.F.R. §403.7 are fulfilled and prior approval from the Division is obtained.

### 2.5 Local Discharge Limitations

No person shall discharge wastewater containing any pollutant specified in Schedule A,

annexed hereto and incorporated herein by reference, in excess of the limitations for each of said pollutants as specified in said Schedule A. Compliance with the provisions of this Section 2.5 shall be assessed on the basis of samples of the person's wastewater discharge collected at each point of connection between the person's building, structure, facility or installation and the District's sewerage system. If a National Categorical Pretreatment Standard establishes limitations for Industrial Users in a particular industrial subcategory which are more stringent than the limitations specified in Schedule A, those more stringent limitations shall immediately apply to those Users subject to that National Categorical Pretreatment Standard. Compliance with National Categorical Pretreatment Standard limitations shall be assessed in accordance with the requirements set forth at 40 C.F.R. §403.12(b)(5).

## 2.6 State Requirements

Requirements and limitations on discharges set by the Massachusetts Department of Environmental Protection ("DEP") shall apply in any case where they are more stringent than federal requirements and limitations or those contained in these Regulations.

## 2.7 District's Right of Revision

The District reserves the right to establish by amendment to these Regulations more stringent limitations or requirements on discharges to the Facility if deemed necessary to comply with the objectives presented in Section 1.1 of these Regulations.

## 2.8 Dilution Prohibited in Absence of Treatment

Except where expressly authorized to do so by an applicable National Pretreatment Standard or Requirement, no User shall ever increase the use of process water or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in any National Pretreatment Standard or Requirement.

## 2.9 Pretreatment

Each Industrial User shall provide necessary wastewater treatment as required to comply with these Regulations, including the Local Discharge Limitations set forth in Schedule A

hereto, and shall achieve compliance with all applicable National Categorical Pretreatment Standards within the time limitations specified by said Standards. Any facilities required to pretreat wastewater to a level which will achieve compliance with these Regulations shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before construction of the facility. The review of such plans and operating procedures will in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent which complies with the provisions of these Regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Director prior to the Industrial User's initiation of the changes.

All records relating to compliance with applicable Pretreatment Standards and Requirements shall be made available to officials of the EPA or Division upon request. In addition, pursuant to the public participation requirements of 40 C.F.R. Part 25, the District shall annually publish in the largest daily newspapers of general circulation in the District a list of the Industrial Users which, during the preceding twelve (12) months, were in significant noncompliance with applicable Pretreatment Standards or Requirements.

For purposes of this provision, an Industrial User is in significant noncompliance if its violation meets one or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l)

(b) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC

(TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).

(c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the District determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of District personnel or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Facility's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance schedules;

(g) Failure to accurately report noncompliance;

(h) Any other violation or group of violations which the District determines will adversely affect the operation or implementation of the local pretreatment program.

#### 2.10 Accidental Discharges

(a) Plans and Procedures: Each Industrial User shall provide protection from accidental discharge of prohibited materials or other substances regulated by these Regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or Industrial User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review and shall be approved by the Director before construction of the facility.

All existing Industrial Users shall submit such a plan within sixty (60) days of the effective date of these Regulations. No Industrial User who commences discharging into the Facility after the effective date of these Regulations shall be permitted to introduce pollutants

into the system until accidental discharge procedures have been approved by the Director.

Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of these Regulations.

In the case of an accidental discharge, it is the responsibility of the Industrial User to telephone immediately and notify the Director of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and any and all corrective actions.

(b) Written Notice: Within five (5) days following an accidental discharge, the Industrial User shall submit to the Director a detailed written report describing the cause of the discharge and the measures which have been and shall be taken by the User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the Facility, fish kills, or any other damage to persons, animals or property; nor shall such notification relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by these Regulations or other applicable law.

(c) Notice to Employees: A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur, or who may know or have reason to know thereof, are advised of the emergency notification procedures.

#### 2.11 Slug Discharge Plans

For all existing Significant Industrial Users or within one year of being designated a Significant Industrial User, the Director shall evaluate whether each User needs a plan or additional action to control slug discharges. Significant Industrial Users are required to notify the District immediately of any changes at its facility affecting the potential for a Slug Discharge. The Significant Industrial User shall comply with the provisions of any such slug control plan



which the Director determines to be necessary, including, but not limited to:

- (a) a description of discharge practices, including non-routine batch discharges;
- (b) a description of stored chemicals;
- (c) procedures for immediately notifying the Director-of slug discharges, including any discharge that would violate a prohibition under 40 C.F.R. §403.5(b) or Section 2.2, with procedures for follow-up written notification within 5 days; and
- (d) if necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

#### 2.12 Septage Discharges

(a) Septage Discharge Limitations: Septage may be introduced into the Facility only at the location(s) and time(s) designated therefor by the Director. No septage load may be discharged without prior consent of the Director.

All septage discharged to the Facility must comply with the discharge prohibitions and limitations, and the other requirements, set forth in these Regulations. The Director has the authority to prohibit the discharge of hauled industrial wastes. The Director also has the authority to require that sources of hauled industrial wastes obtain Industrial Discharge Permits.

(b) Septage Discharge Permits: All persons proposing to discharge septage into the Facility shall be licensed by the Town(s) in which they collect septage, and shall obtain a Septage Discharge Permit from the District. Application for a Septage Discharge Permit shall be made on a form supplied by the Director. The Septage Discharge Permit shall be issued for a twelve-month period, and the Director is authorized to revoke a Septage Discharge Permit for violation of any of the requirements of these Regulations or the conditions set forth in the Septage Discharge Permit.

The holder of a Septage Discharge Permit shall file with the District Treasurer a Certificate of Insurance in the sums of \$50,000/\$100,000 to cover Public Liability, and a Certificate of Insurance in the sum of \$10,000 covering Property Damage. In addition, a Certificate of Insurance covering Workers' Compensation shall be filed. All of the referenced insurance policies shall remain in full force and effect for a period of at least a year from the date of issuance of the Septage Discharge Permit. Said insurance shall indemnify the District against any and all claims, liability or action for damages incurred in or in any way connected with the performance of the work by a hauler, and for or by reason of any acts of omission of said hauler in the performance of its work.

(c) Septage Load Certificate: Each septage load shall be accompanied by a certificate signed by the hauler, showing the name and address of the hauler, the name and address of the source of each septage load, and the volume and waste characteristics of each septage load contained in the load to be discharged. The certificate shall also identify the type of industry (if any) in which each source is engaged, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(d) Sampling of Septage Load: The hauler may be required to provide a sample of the septage load contents, taken in the presence of the Facility's operator, in order to ensure compliance with applicable standards. The Director may require that the nature of the sample be verified before the truck is permitted to unload. If the hauler's load is a composite of wastes collected from more than one person or location, the Director may require that a sample of each waste collection must be provided for verification.

(e) Rejection of Septage Load: The Director is authorized to reject a load of septage proposed for discharge at the Facility, for reasons including, but not limited to, the following:

- (1) the waste is not properly identified as to source and content;
- (2) there is not sufficient capacity in the Facility for the load;
- (3) for protection of the health and safety of the public, Facility workers, or the environment; or

- (4) the septage was not generated in a Town approved by the District for septage discharges at the Facility.

### SECTION 3. - PERMITS

#### 3.1 Sewer Connection Permits

All Users proposing to connect to or discharge into the Facility shall obtain a Sewer Connection Permit from the Town in which such User is located before connecting to or discharging into the Facility. An application for said Sewer Connection Permit shall be filed with the Town prior to the proposed connection or discharge to the Facility, as provided in the Town's Sewer Use Regulations. Existing Users connected to the Facility as of the effective date of these Regulations need not apply for a Sewer Connection Permit.

#### 3.2 Industrial Discharge Permits

In addition to obtaining the Sewer Connection Permit prescribed in Section 3.1 of these Regulations, all Industrial Users shall obtain an Industrial Discharge Permit from the District for discharges to the Facility. All existing Industrial Users connected to or discharging into the Facility shall apply for an Industrial Discharge Permit within sixty (60) days after the effective date of these Regulations. All Industrial Users proposing to connect to or discharge into the Facility shall obtain an Industrial Discharge Permit before connecting to or discharging into the Facility. An application for said Industrial Discharge Permit shall be filed with the Director, with a copy to the Town, at least ninety (90) days prior to the proposed connection or discharge to the Facility. The District has the authority to deny or condition new or increased contributions of pollutants to the Facility by Industrial Users, pursuant to 40 C.F.R. 403.8(f)(1)(i).

#### 3.3 Permit Application Requirements

All Users required to obtain a Sewer Connection Permit shall complete and file with their Town an application in the form prescribed by the Town and the Director, and accompanied by the appropriate fee as prescribed by the Town. In addition, an Industrial User shall complete and file with the Director an application for an Industrial Discharge Permit in the form prescribed by

the Director, and accompanied by the appropriate fee as indicated on the fee schedule annexed hereto as Schedule B. In support of the application for an Industrial Discharge Permit, the Industrial User shall submit, in units and terms appropriate for evaluation, the following information:

(a) *Identifying information.* The Industrial User shall submit the name and address of the facility, including the name of the operator and owners;

(b) *Permits.* The Industrial User shall submit a list of any environmental control permits held by or for the facility;

(c) *Description of operations.* The Industrial User shall submit a brief description of the nature, average rate of production and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the Facility from the regulated processes.

(d) *Flow measurement.* The Industrial User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the Facility from each of the following:

- (1) Regulated process streams; and
- (2) Other streams as necessary to allow use of the combined wastestream formula of 40 C.F.R. §403.6(e).

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

(e) *Measurement of pollutants.*

- (1) The Industrial User shall identify the Pretreatment Standards applicable to each regulated process;
- (2) In addition, the Industrial User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or District) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration

(or mass, where required) will be reported. The sample will be representative of daily operations. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the District or the applicable Standards to determine compliance with the Standard.

- (3) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The District may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the Industrial User demonstrates that this will provide a representative sample of the effluent being discharged. For the reports required by 40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.
- (4) The Industrial User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
- (5) Samples should be taken immediately downstream from pretreatment

facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the Industrial User should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 C.F.R. §403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 C.F.R. §403.6(e) this adjusted limit along with supporting data will be submitted to the District;

- (6) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 C.F.R. Part 136 and amendments thereto. Where 40 C.F.R. Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis will be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Facility or other parties, approved by the EPA;
- (7) The District may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- (8) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and will certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges

to the Facility;

(f) Certification. A statement, reviewed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements; and

(g) Compliance schedule. If additional pretreatment and/or O and M will be required to meet the Pretreatment Standards, the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O and M. The completion date in this schedule will not be later than the compliance date established for the applicable Pretreatment Standard.

(1) Where the Industrial User's categorical Pretreatment Standard has been modified by a removal allowance (40 C.F.R. 403.7) the combined wastestream formula (40 C.F.R. 403.6(e)), and/or a Fundamentally Different Factors variance (40 C.F.R. 403.13) at the time the Industrial User submits the report required by Section 4.1(a) of these Regulations, the information required by paragraphs (f) and (g) of this section will pertain to the modified limits.

(2) If the categorical Pretreatment Standard is modified by a removal allowance (40 C.F.R. 403.7), the combined wastestream formula (40 C.F.R. 403.6(e)), and/or a Fundamentally Different Factors variance (40 C.F.R. 403.13) after the Industrial User submits the report required by Section 4.1(a) of these Regulations, any necessary amendments to the information required by paragraphs (f) and (g) of this section will be submitted by the Industrial User to the District within 60 days after the modified limit is approved.

(h) Other Information. Any other information as may be deemed by the Director to

be necessary to evaluate the permit application.

The Director will evaluate the data furnished by the Industrial User and may require additional information. After evaluation and acceptance of the data furnished, the Director may issue an Industrial Discharge Permit subject to terms and conditions provided herein.

### 3.4 Permit Conditions

Sewer Connection Permits and Industrial Discharge Permits shall be expressly subject to all provisions of these Regulations and all other applicable regulations, User charges, and fees established by the District and/or the relevant Town. In addition, Industrial Discharge Permits shall contain the following:

- (a) The unit charge or schedule of User charges and fees for the wastewater to be discharged to the Facility;
- (b) Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards in CFR Part 403, categorical pretreatment standards, local limits, and State and local law;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (f) Compliance schedules (but in no event may a compliance deadline in a Permit be later than a National Categorical Pretreatment Standard compliance deadline);
- (g) Requirements for submission of technical reports or discharge reports;
- (h) Requirements for maintenance and retention of records relating to wastewater discharges as specified by the District, and affording the District access thereto;
- (i) Requirements for advance notification to the District of any change in operations, new introduction of wastewater constituents, or any substantial change in the volume or



character of the wastewater constituents being introduced into the wastewater disposal system;

(j) Requirements to control and notify the District of slug discharges, if determined by the District to be necessary.

(k) A statement of Permit duration in accordance with Section 3.6 hereof, which shall (in no case be more than five years);

(l) A statement of Permit non-transferability without, at a minimum, prior notification to the District and provision of a copy of the existing control mechanism to the new owner or operator in accordance with Section 3.7 hereof;

(m) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule, in accordance with Section 7 hereof. Such schedules may not extend the compliance date beyond applicable federal deadlines;

(n) Other conditions as deemed appropriate by the District to ensure compliance with these Regulations.

### 3.5 Industrial Discharge Permit Modifications

(a) Necessitated By Promulgation of National Categorical Pretreatment Standard:  
Within ninety (90) days of the promulgation of a National Categorical Pretreatment Standard, the Industrial Discharge Permit of Industrial Users who are subject to such Standards shall be revised to require compliance with such Standard within the time frame prescribed by such Standard. An Industrial User with an existing Industrial Discharge Permit shall submit to the Director within one hundred eighty (180) days after the effective date of an applicable National Categorical Pretreatment Standard the baseline report required by Section 4.1(a) of these Regulations and 40 C.F.R. 403.12.

(b) Necessitated By Change in Wastewater Discharge: Any Industrial User which proposes to introduce a change in the nature, characteristics or constituents of its wastewater, or which proposes to increase the daily volume, strength, or rate of its permitted discharge by ten percent (10%) or more shall, no less than thirty (30) days prior to said proposed change or

increase, apply, on a form prescribed by the Director, for a modification to its Industrial Discharge Permit. Any User which proposes to introduce a change in the volume or characteristics of its wastewater which will cause it to become an Industrial User shall apply for an Industrial Discharge Permit, as prescribed in Section 3.2 of these Regulations. After evaluation and acceptance of the data furnished, the Director may modify the Industrial User's Industrial Discharge Permit, subject to the terms and conditions provided herein.

(c) Necessitated By Change In Applicable Limitations or Requirements: The terms and conditions of an Industrial Discharge Permit issued hereunder may be subject to modification by the Director during the duration of the Permit as the limitations or requirements of these Regulations are modified or amended. The Industrial User shall be notified of any proposed modifications or amendments to its Industrial Discharge Permit at least thirty (30) days prior to the proposed effective date of such modification. Any modifications or amendments to the Industrial Discharge Permit shall include a reasonable time schedule for compliance therewith, but no compliance deadline therein shall be later than the deadline for compliance with an applicable National Categorical Pretreatment Standard.

### 3.6 Duration of Industrial Discharge Permits

Industrial Discharge Permits shall be issued for a specified time period not to exceed three (3) years. An Industrial Discharge Permit may be issued for a period less than a year or may be stated to expire on a specific date. An Industrial User shall apply for Industrial Discharge Permit reissuance, on a form prescribed by the Director, at least ninety (90) days prior to the expiration of the Industrial User's existing Permit. Sewer Connection Permits are exempt from this reapplication requirement, as long as the subject connection has been constructed, effected, and maintained in accordance with said Permit. Any modification, increase in flow, or change in use of said connection is not exempt and shall be the subject of a Sewer Connection Permit application pursuant to Section 3.1.

### 3.7 Industrial Discharge Permit Transfer

Industrial Discharge Permits are issued to a specific Industrial User for a specific

operation. An Industrial Discharge Permit shall not be reassigned or transferred or sold to a new owner, new Industrial User, different premises, or a new or changed operation without the approval of the Director, which must be obtained at least thirty (30) days in advance of the proposed transfer date. No such approval shall be granted absent submission to the Director of a written agreement between the existing and proposed new permittee which sets forth the date for and terms of the transfer of the Industrial Discharge Permit and all responsibilities, obligations, and liabilities thereunder. Any succeeding owner or Industrial User shall comply with the terms and conditions of the existing Industrial Discharge Permit and all of the terms and requirements of these Regulations.

### 3.8 District Sewer Connection Specifications

With respect to connection of a building sewer into a sewer interceptor owned by the District:

(a) The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing code or other applicable rules and regulations of the District and relevant Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(b) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a District sewer interceptor.

(c) The connection of the building sewer into the District sewer interceptor shall conform to the requirements of the Building and Plumbing code or other applicable rules and regulations of the District and relevant Town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Director and the Town before installation.

(d) The applicant for a Sewer Connection Permit for a connection into a District sewer interceptor shall notify the Director and the Town when the building sewer is ready for inspection and connection to the District sewer interceptor. The connection shall be made under the supervision of the District or its representative.

(e) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other property disturbed in the course of the work shall be restored in a manner satisfactory to the District and the Town.

(f) All costs and expenses incident to the installation and connection of the building sewer to the District's sewer interceptor shall be borne by the owner. The owner shall indemnify the District and the Town from any loss or damage that may directly or indirectly be occasioned by the installation or connection of the building sewer.

### 3.9 Review of Industrial Discharge Permit Decisions

The Director shall provide all interested persons with notice of final decisions concerning Industrial Discharge Permit issuance and transfer. Any person, including the Industrial User to whom the Industrial Discharge Permit was issued, may petition the Director for review of the Industrial Discharge Permit issuance, modification, or transfer decision within thirty days of the date on which the decision was issued. Failure to submit a timely petition for review shall be deemed to be a waiver of Industrial Discharge Permit review.

A petition for review must set forth the Industrial Discharge Permit provisions or decision objected to, the reasons for the objection, and the alternative provisions, if any, which the petitioner seeks to have included in the Industrial Discharge Permit. The District shall conduct the Permit review in accordance with the procedures set forth at Section 6.5 of these Regulations. The effectiveness of an Industrial Discharge Permit shall not be stayed pending the District's review, but the Industrial Discharge Permit provisions objected to (other than those relating to achievement of compliance deadlines established under National Categorical Pretreatment Standards, National Prohibited Discharge Standards, and Local Discharge

Limitations) will be stayed pending the District's review. The decision of the District concerning the petition for review shall be a final administrative action.

SECTION 4. - REPORTING REQUIREMENTS,  
MONITORING, AND INSPECTIONS

4.1 Reporting Requirements

(a) Baseline Report: Within one hundred eighty (180) days following the effective date of a National Categorical Pretreatment Standard, an existing Industrial User subject to said Standard and currently discharging to or scheduled to discharge to the Facility shall submit to the Director a report as prescribed in 40 C.F.R 403.12(b), which shall include the information required under Section 3.3 (a) - (h) of these Regulations. This report shall be signed and certified pursuant to 40 C.F.R. 403.12(l) by an Authorized Representative of the Industrial User, and shall contain a statement certified by a qualified professional engineer indicating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements.

At least ninety (90) days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall be required to submit to the Director a report which contains the information required in Section 3.3 (a)-(h) of these Regulations. Reports by New Sources shall include information on the method of pretreatment the New Source intends to use to meet applicable Pretreatment Standards. The report shall be signed and certified pursuant to 40 C.F.R. 403.12(l) by an Authorized Representative of the Industrial User and shall contain the certification described above.

(b) Compliance Schedule Progress Reports: If the certification statement described in paragraph 4.1(a), above, states that additional pretreatment and/or Operation and Maintenance (O&M) will be required to meet the Pretreatment Standards and Requirements, the Industrial

User shall submit to the Director a compliance schedule as described in paragraph 3.3(g) hereof.

Not later than fourteen days following each date in the compliance schedule and the final date for compliance, the Industrial User shall submit a progress report to the Director as prescribed at 40 C.F.R. 403.12(c) stating, at a minimum, whether or not the Industrial User complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress; the reason for the delay; and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Director.

(c) Compliance Deadline Report: Within 90 days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the Facility, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the District a report containing the information described in Section 3.3 (d) - (f) of these Regulations. For Industrial Users subject to equivalent mass or concentration limits established by the District in accordance with the procedures in 40 C.F.R. 403.6(c), this report shall contain a reasonable measure of the Industrial User's long term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report will include the Industrial User's actual production during the appropriate sampling period.

(d) Periodic Reports on Continued Compliance:

(1) Any Industrial User subject to a categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the Facility, shall submit to the District during the months of June and December, unless required more frequently in the Pretreatment Standard or by the District, EPA, or DEP, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In cases where the Pretreatment

Standard requires compliance with a Best Management Practice (or pollution preventions alternative), the User shall submit documentation required by the District or the Pretreatment Standard necessary to determine the compliance status of the User. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in paragraph (d) of Section 3.3 of these Regulations, except that the District may require more detailed reporting of flows. At the discretion of the District and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the District may agree to alter the months during which the above reports are to be submitted.

(2) Where the District has imposed mass limitations on Industrial Users as provided for by 40 C.F.R. 403.6(d), the report required by Section 4.1(d)(1) of these Regulations shall indicate the mass of pollutants regulated by Pretreatment Standards in the Discharge from the Industrial User.

(3) For Industrial Users subject to equivalent mass or concentration limits established by the District in accordance with the procedures in 40 C.F.R. 403.6(c), the report required by Section 4.1(d)(1) of these Regulations shall contain a reasonable measure of the Industrial User's long term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by Section 4.1(d)(1) of these Regulations shall include the Industrial User's actual average production rate for the reporting period.

(e) Reports by Significant Industrial Users Not Subject to Pretreatment Standards:  
Any Significant Industrial User which is not subject to categorical Pretreatment Standards or Requirements shall submit to the Director, during the months of June and December (unless required more frequently by the Director), a report as prescribed under 40 C.F.R. 403.12(h)

describing the nature, concentration and flow of those pollutants specified by the Director. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the District to determine the compliance status of the User. These reports must be based on sampling and analysis performed in the period covered by the report and in accordance with the techniques described in CFR part 136 and amendments thereto. This sampling and analysis may be performed by the District in lieu of significant non-categorical Industrial User.

If an industrial user subject to this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the District, using the procedures prescribed in this section, the results of this monitoring shall be included in the report.

(f) Notification of Hazardous Waste Discharge: (i) An Industrial User shall notify the Director, the Town, the EPA Regional Waste Management Division Director, and the Director of DEP's Division of Solid and Hazardous Waste, in writing, of any discharge into the Facility of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. Part 261. Such notification shall include the name of the hazardous waste as set forth in 40 C.F.R. Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the Facility, the notification shall contain the following information to the extent such information is known and readily available to the Industrial User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months.

All existing Industrial Users must file such notification no later than one hundred eighty (180) days after the discharge of the listed or characteristic waste. Any notification under this Section 4.1(f) need be submitted only once for each hazardous waste discharged. However, all Industrial Users must notify the Director in advance, in accordance with Section 3.5(b) of these



Regulations, of any change in their wastewater discharge.

- (1) The notification requirement set forth herein does not apply to any pollutants already reported under the self-monitoring requirements set forth in Sections 4.1(a), (b), (c), (d) and (e), above.
- (2) Industrial Users are exempt from the requirements of Section 4.1(f)(1), above, during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or any quantity of acute hazardous waste as specified in 40 C.F.R. 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.
- (3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste, the Industrial User must notify the Director, the Town, the EPA Regional Waste Management Waste Division Director, and the Director of DEP's Division of Solid and Hazardous Waste, of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (4) In the case of any notification made under this Section 4.1(f), an Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(g) Notifications of Potential Problems: All Users shall notify the Facility immediately of all discharges that could cause problems to the Facility, including any slug loadings by an Industrial User.

(h) Reports by Industrial Users Not Subject to Pretreatment Standards: The Director

shall require appropriate reporting from those Industrial Users with discharges that are not subject to Pretreatment Standards or Requirements.

i) The reports required in paragraphs (a), (c), (d), and (e) of this section must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. The District shall require that the frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.

#### 4.2 Monitoring and Analysis

The reports required in Sections 4.1 and 3.3(d) and (e), supra, and such other reports as the Director may require under these Regulations, shall contain the results of all sampling and analysis of the User's discharge, whether or not conducted more frequently than required by the Director, including the flow and the nature and concentration of pollutants contained therein which are limited by applicable Pretreatment Standards and Requirements.

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

appropriate.

For sampling required in support of baseline monitoring and 90-day compliance reports required in 40 CFR 403.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The District may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the Industrial User demonstrates that this will provide a representative sample of the effluent being discharged. For the reports required by 40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

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.

The sampling and analysis may be performed by the District in lieu of the Industrial User, in which event the Industrial User will not be required to submit the compliance certification set forth in Section 4.1(a), above. In addition, where the District collects all of the information required for the report, including analytical results and flow data, the Industrial User is not required to submit the report or compliance certification required therein.

If the Industrial User's sampling indicates a violation, the User must notify the Director within 24 hours of becoming aware of such violation. The User must also repeat the sampling and analysis, and submit the results of the repeat analysis to the Director within ~~thirty~~ (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if District performs sampling at the User's facility at least once a month, or if District performs

sampling at the User between the time when the initial sampling was conducted and the time when the User or District receives the results of this sampling, or if District has performed the sampling and analysis in lieu of the Industrial User. The Industrial User is not required to resample, however, if the Director performs sampling at the Industrial User at a frequency of at least once per month, or the Director performs sampling at the Industrial User between the time when the Industrial User performs its initial sampling and the time when said User receives the results of the sampling.

The frequency of monitoring shall be prescribed in the Industrial Discharge Permit and, for Industrial Users subject to National Categorical Pretreatment Standards, shall not be less frequent than prescribed in Section 4.1(d). All analyses shall be performed in accordance with procedures established by the EPA pursuant to section 304(h) of the Act and contained in 40 C.F.R. Part 136 and amendments thereto, or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by the EPA. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the Director or other parties, approved by the EPA.

#### 4.3 Recordkeeping Requirements

Any Industrial User subject to the reporting requirements set forth in Section 4.1, supra, shall maintain records of all information resulting from any monitoring activities required there under including documentation associated with Best Management Practices. Such records shall include, for all samples:

- (a) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
- (b) The dates analyses were performed;
- (c) Who performed the analyses;

- (d) The analytical techniques/methods used; and
- (e) The results of such analyses.

The Industrial User subject to the reporting requirements established in Section 4.1 (including documentation associated with Best Management Practices) shall be required to retain copies of all such records and reports of monitoring activities and results for a minimum of (3) years, and shall make such records available for inspection and copying by EPA, DEP, and the Director. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or the operation of the Facility pretreatment program, or when requested by DEP or EPA.

#### 4.4 Monitoring Facilities

The District shall require the User to provide and operate, at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the District may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

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

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

#### 4.5 Inspection and Sampling

The District and the Town shall each have the authority to inspect the facilities of any User to ascertain whether the purpose and requirements of these Regulations are being met. At

least once per year, the District, either jointly with the Town or individually, shall inspect and sample the effluent from each Significant Industrial User. The District and the Town shall also each have the authority to inspect any Domestic Source to ascertain whether the purposes and requirements of these Regulations are being met. Except in cases of imminent endangerment, as described in Section 6.1 hereof, the Town (through its designee) shall be provided with informal notice of, and shall accompany the Director on, any inspection of a Domestic Source.

Persons or occupants of premises where wastewater is created or discharged shall allow the District or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or the performance of any of their duties. The District, Division, and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the District, Division, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

#### 4.6 Confidential Information

In accordance with 40 C.F.R. 403.14 and 314 C.M.R. 2.11, any information and data concerning a User which is contained in or obtained from reports, questionnaires, Permit applications, Permits, monitoring programs, and inspections shall be available to the public and governmental agencies without restriction, unless the User specifically claims, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User. Any such claim of confidentiality must be asserted at the time of submission in the manner prescribed on the application form or instructions or by stamping or writing the words "CONFIDENTIAL BUSINESS INFORMATION" on each page containing such information. If no claim is made, the Director may make the information available to the public without further

notice.

Notwithstanding any claim of confidentiality, any information and data provided to the Director which is effluent data, as defined at 40 C.F.R. 2.302 (including, but not limited to, wastewater constituents and characteristics), shall be available to the public without restriction. All other information and data shall be available to the public at least to the extent provided by 40 C.F.R. 2.302.

Information accepted by the Director as confidential shall not be made available for inspection by the public, except as provided by 40 C.F.R. 2.302, but shall be made available upon written request to governmental agencies for uses related to these Regulations, the National Pollutant Discharge Elimination System (NPDES) Permit, DEP permit, and the industrial pretreatment program; provided, however, that such portions of a report shall be available for use by the State or any state agency, the District, or by the United States or EPA in criminal or civil judicial or administrative enforcement proceedings involving the User.

## SECTION 5. - FEES

### 5.1 Charges and Fees

It is one of the purposes of these Regulations to provide for the recovery of costs from persons who use the District's wastewater disposal system in order to implement the programs established herein. The District may adopt charges and fees which may include:

- (a) fees for reimbursement of the costs of setting up and operating the District's pretreatment program;
- (b) fees for monitoring, sampling, inspections, and surveillance procedures;
- (c) fees for reviewing accidental discharge procedures and construction;
- (d) fees for Permit applications and modifications;
- (e) fees for consistent removal (by the District) of pollutants otherwise subject to National Categorical Pretreatment Standards;
- (f) fees for Sludge disposal;

(g) other fees as the District may deem necessary to carry out the requirements contained herein.

## 5.2 Assessment of Charges and Fees

The applicable charges or fees for the items enumerated in Section 5.1, above, shall be set from time to time by the District, and shall be assessed via the District's Agreements for Wastewater Treatment Services or other contracts with municipalities or other Users, or on a fee-for-specific-service basis, in accordance with a schedule duly adopted by the District and annexed hereto as Schedule B.

## SECTION 6. - ENFORCEMENT

### 6.1 Imminent Endangerment

The Director or the Town's designee may immediately halt or prevent any discharge of pollutants which reasonably appears to present an imminent endangerment to the health or welfare of persons. In the event that the Director or the Town's designee determines that a discharge of pollutants reasonably appears to present an imminent endangerment to the health or welfare of persons, the Director or the Town's designee shall provide informal (oral or written) notice of said determination to the discharger. Said discharger shall immediately stop or eliminate such discharge and shall submit written proof of the elimination of the discharge to the Director and the Town's designee within forty-eight (48) hours of receipt of notice of the Director's or Town designee's determination. If said person fails voluntarily to halt such discharge, the Director or the Town's designee shall take such actions as he or she deems necessary to prevent or minimize endangerment to the health or welfare of persons. Such actions include, but are not limited to, seeking ex parte temporary injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, severance of the sewer connection, suspension of wastewater disposal service, suspension or revocation of a Sewer Connection Permit or Industrial Discharge Permit, and institution of legal action. The Director or the Town's designee shall provide informal, telephoned notice each to the other of



any such action. After such discharge has been halted, the Director or the Town's designee may take such other and further actions provided under this Section as may be necessary to ensure elimination of said discharge and compliance with the terms of these Regulations and any Sewer Connection Permits or Industrial Discharge Permits issued hereunder.

#### 6.2 Harmful Discharges to the Facility

The Director and the Town shall each have the authority, in accordance with the procedures set forth in Section 6.5, infra, to halt or prevent any discharge of pollutants to the Facility which:

- (a) presents or may present an endangerment to the environment;
- (b) threatens to interfere with the operation of the Facility;
- (c) threatens to cause the Facility to violate any condition of its NPDES permit; or
- (d) is otherwise in violation of these Regulations, applicable state or federal regulations, or the terms, conditions, and requirements of any Sewer Connection Permit or Industrial Discharge Permit issued hereunder.

#### 6.3 Revocation of Permit

Any User who violates the following conditions of these Regulations, or applicable state and federal regulations, is subject to having its Sewer Connection Permit or Industrial Discharge Permit revoked in accordance with the procedures set forth in Section 6:

- (a) Failure of an Industrial User to report factually the wastewater constituents and characteristics of its discharge;
- (b) Failure of a User to report significant changes in its operations, or the constituents and characteristics of its wastewater;
- (c) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,
- (d) Violation of conditions of the User's Permit.

#### 6.4 Administrative Enforcement Proceedings

The District may conduct administrative enforcement proceedings to enforce compliance

with these Regulations and the provisions of any Permit issued hereunder with respect to all Users of the Facility. The District may authorize a Town to conduct an administrative enforcement proceeding, in accordance with this Section 6, with respect to violations of the provisions of any Sewer Connection Permit issued to any User located within said Town. In any administrative enforcement proceeding conducted by a Town pursuant to any such authorization by the District, the Town and its designee shall perform the activities and employ the Notice of Violation, Compliance Order, Order to Show Cause, and Show Cause Hearing procedures set forth in Sections 6.5 and 6.6 of these Regulations, and shall provide notice of all such activities and procedures to the Director.

6.5 Notices of Violation, Compliance Orders, and Orders to Show Cause

Whenever the Director determines that any person has caused a discharge of pollutants described in Section 6.2 or has engaged in conduct prohibited in Section 6.3 above, in violation of these Regulations, applicable state and federal regulations, or any Permit issued hereunder, the Director shall serve upon such person, either personally or by mail, a written notice stating the nature of the violation. In addition, said Notice of Violation shall contain one or both of the following:

(a) Compliance Order: The Director may issue a Compliance Order directing the person to take specified actions to comply with these Regulations or the provisions of any applicable Permit within a time schedule set forth by the Director. The Compliance Order may provide for the assessment of penalties as provided in Section 7, infra, and may provide that the person's wastewater disposal service and/or Industrial Discharge Permit shall be suspended pending submission of proof satisfactory to the Director that specified violations of these Regulations or the Permit have been abated or corrected.

(b) Order to Show Cause: The Director may order the person to show cause before the District Commission why the proposed enforcement action should not be taken. Any such Show Cause Hearing shall be noticed and conducted in accordance with the provisions of Section 6.6, infra.

6.6 Show Cause Hearing

(a) Notice Requirements: A notice shall be served on the person specifying the time and place of a hearing to be held by the District regarding the violation, the proposed enforcement action, the reasons why the action is to be taken, and directing the person to show cause before the District why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service must be made on an Authorized Representative of a corporation.

(b) Conduct of the Hearing

The District shall conduct the hearing and take the evidence, or may designate any of its members or the Director to:

- (1) Issue in the name of the District notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (2) Take evidence;
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the District for action thereon; and
- (4) Take any further necessary action as permitted by these Regulations or applicable contracts or agreements.

(c) Testimony Recorded Under Oath

At any hearing held pursuant to these Regulations, testimony taken must be under oath and recorded, either stenographically or by voice recording. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

(d) Orders: After the District has reviewed the evidence, it may issue an order to the person responsible for the discharge directing that, following a specified time period, its wastewater disposal service be discontinued or its Industrial Discharge Permit be revoked unless

adequate treatment facilities, devices, or other related appurtenances have been installed or existing treatment facilities, devices, or other related appurtenances are properly operated so as to correct or eliminate the discharge. Further orders and directives as are necessary and appropriate may be issued.

#### 6.7 Legal Action

If any person discharges sewage, industrial wastes, or other wastes into the Facility contrary to the provisions of these Regulations, any applicable federal, state, or local pretreatment requirements, the conditions and requirements of any Sewer Connection Permit or Industrial Discharge Permit issued hereunder, or any order of the Director or District, the District's counsel may commence an action for appropriate legal and/or equitable relief in either state or federal court.

### SECTION 7. - PENALTIES AND COSTS

Any person who violates an Order of the District or fails to comply with any provisions of these Regulations or the orders, rules, compliance schedules, and Permits issued hereunder, may be assessed a civil penalty of up to Five Thousand Dollars (\$5,000) per day of violation. A criminal penalty may also be sought, consistent with state law. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

In addition to the penalties provided herein, the District may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate legal action against the person found to have violated these Regulations or the orders, rules, compliance schedules, and Permits issued thereunder.

### SECTION 8. - SEVERABILITY

If any provision, paragraph, word, section, or article of these Regulations is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

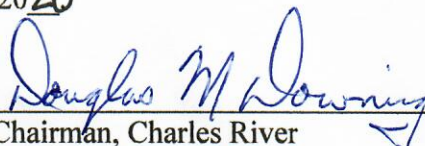
SECTION 9. - CONFLICT

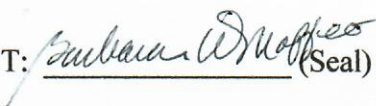
All other regulations, ordinances and bylaws, and any parts thereof, which are inconsistent or conflict with any part of these Regulations are hereby repealed to the extent of such inconsistency or conflict.

SECTION 10. - EFFECTIVE DATE

These Regulations shall be in full force and effect from and after the tenth day following their publication and filing with the Charles River Pollution Control District.

APPROVED this 12 day of MARCH, 2020

  
Chairman, Charles River  
Pollution Control District

ATTEST:  (Seal) Secretary of the Charles River  
Pollution Control District



SCHEDULE A  
Local Discharge Limitations

TABLE 3-12

CHARLES RIVER POLLUTION CONTROL DISTRICT  
SUMMARY OF LOCAL LIMITS AND INDUSTRIAL DISCHARGES

Parameter	Daily Limit mg/L	Parameter	Daily Limit lb/d <sup>1</sup>	Max Monthly lb/d <sup>1</sup>
Cyanide	0.23	Biological Oxygen Demand (BOD) <sup>2</sup>	3,148	761
Arsenic	1.02	Total Suspended Solids (TSS) <sup>2</sup>	5,473	1,287
Cadmium	0.06	Total Ammonia - Nitrogen (NH <sub>3</sub> ) <sup>2</sup>	564	409
Chromium	3.48	Total Phosphorus (TP) <sup>2</sup>	278	229
Copper	1.05			
Lead	0.08			
Mercury	0.03			
Nickel	0.79			
Selenium	0.14			
Silver	0.35			
Zinc	1.32			
Oil & Grease	150			
pH	5 - 12 s.u.			

<sup>1</sup> lb/d = pollutant concentration (mg/L) x Flow (MGD) x 8.34 (conversion factor)

<sup>2</sup> Total available loading for all Industrial Users. The sum of all allocations must not exceed the total permitted loading for all Industrial Users. Allocations are given to each Industry on an individual basis.

## SCHEDULE B

### Charges and Fees

The development of the permitting system will generate revenues, although small, from fees for industrial discharges and fines to problem industrial users which will offset some of the annual costs for the District's Industrial Pretreatment Program.

### FEES

Long Form permits for significant industrial users will be \$500 every two (2) years.

Short Form permits for other industrial users will be \$150 every three (3) years.

No Discharge permits for non-discharging industrial users will not have a fee and are valid for a five (5) year period.

### FINES

The maximum civil penalty for violation of the sewer use regulation allowed by state law is \$5,000, per violation per day.