

1 ORDINANCE NO. 2-2012

2
3 1ST READING 2-21-12

4
5 2ND READING 3-20-12

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8
9 **ADDENDUM I**

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11 **MOUNT STERLING SEWER USE ORDINANCE**

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14 In accordance with EPA's Pretreatment Streamlining Rule, this Addendum sets forth
15 additional Sewer Use Ordinance (SUO) requirements for Industrial Users of the Mount
16 Sterling Publicly Owned Treatment Works for the Mount Sterling Water and Sewer
17 Service (MSWSS) and enables MSWSS to comply with all applicable State and Federal
18 laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et
19 seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal*
20 *Regulations* [CFR] Part 403). This Addendum shall apply to all Industrial Users of the
21 MSWSS Publicly Owned Treatment Works.

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23 **A-1 (a). Individual Wastewater Discharge Permit Contents**

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25 An individual wastewater discharge permit shall include such conditions as are deemed
26 reasonably necessary by MSWSS to prevent Pass Through or Interference, protect the
27 quality of the water body receiving the treatment plant's effluent, protect worker health
28 and safety, facilitate sludge management and disposal, and protect against damage to
29 the POTW. Individual wastewater discharge permits must contain:

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31 (1) A statement that indicates the wastewater discharge permit issuance date,
32 expiration date and effective date;
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34 (2) Effluent limits outlined in Article V of SUO. Additionally, Individual permit
35 must contain any Best Management Practices, based on applicable
36 Pretreatment Standards, local limits, and State or Local law; Best
37 Management Practices or BMPs means schedules of activities, prohibitions
38 of practices, maintenance procedures, and other management practices to
39 implement the prohibitions listed in the Sewer Use Ordinance. BMPs include
40 treatment requirements, operating procedures, and practices to control plant
41 site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw
42 materials storage. [Note: BMPs also include alternative means (i.e.,
43 management plans) of complying with, or in place of certain established
44 categorical Pretreatment Standards and effluent limits.]
- 45

- 46 (3) Self-monitoring, sampling, reporting, notification, and record-keeping
47 requirements. These requirements shall include an identification of
48 pollutants (or best management practice) to be monitored, sampling location,
49 sampling frequency, and sample type based on Federal, State, and local
50 law.
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- 52 (4) Requirements to control Slug Discharge, if determined by MSWSS to be
53 necessary.
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56 **A-I (b). Accidental Discharge/Slug Discharge Control Plans**
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58 MSWSS shall evaluate whether each SIU needs an accidental discharge/slug discharge
59 control plan or other action to control Slug Discharges. The evaluation will be
60 performed by MSWSS within one year following commencement of discharge to the
61 MSWSS POTW by the User. MSWSS may require any User to develop, submit for
62 approval, and implement such a plan or take such other action that may be necessary
63 to control Slug Discharges. Alternatively, MSWSS may develop such a plan for any
64 User. An accidental discharge/slug discharge control plan shall address, at a minimum,
65 the following:
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- 67 A. Description of discharge practices, including non-routine batch discharges;
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69 B. Description of stored chemicals;
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71 C. Procedures for immediately notifying MSWSS of any accidental or Slug
72 Discharge; and
73
74 D. Procedures to prevent adverse impact from any accidental or Slug Discharge.
75 Such procedures include, but are not limited to, inspection and maintenance of
76 storage areas, handling and transfer of materials, loading and unloading
77 operations, control of plant site runoff, worker training, building of containment
78 structures or equipment, measures for containing toxic organic pollutants,
79 including solvents, and/or measures and equipment for emergency response.
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82 **A-I (c). Sampling Requirements**
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- 84 A. The Industrial User must collect wastewater samples using 24-hour
85 flow-proportional composite sampling techniques, unless time-proportional
86 composite sampling or grab sampling is authorized by MSWSS. Where
87 time-proportional composite sampling or grab sampling is authorized by MSWSS,
88 the samples must be representative of the discharge. Using protocols (including
89 appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA
90 guidance, multiple grab samples collected during a 24-hour period may be
91 composited prior to the analysis as follows: for cyanide, total phenols, and

92 sulfides the samples may be composited in the laboratory or in the field; for
93 volatile organics and oil and grease, the samples may be composited in the
94 laboratory. Composite samples for other parameters unaffected by the
95 compositing procedures as documented in approved EPA methodologies may be
96 authorized by MSWSS, as appropriate. In addition, grab samples may be
97 required to show compliance with Instantaneous Limits.
98

99 B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides,
100 and volatile organic compounds must be obtained using grab collection
101 techniques.
102

103 C. For sampling required in support of baseline monitoring and 90-day compliance
104 reports, a minimum of four (4) grab samples must be used for pH, cyanide, total
105 phenols, oil and grease, sulfide and volatile organic compounds for facilities for
106 which historical sampling data do not exist; for facilities for which historical
107 sampling data are available, MSWSS may authorize a lower minimum. For the
108 reports required by 40 CFR 403.12(e) and 403.12(h), the Industrial User is
109 required to collect the number of grab samples necessary to assess and assure
110 compliance by with applicable Pretreatment Standards and Requirements.
111

112 **A-I (d). Periodic Compliance Reports**

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114 All SIUs are required to submit periodic compliance reports even if they have been
115 designated a Non-Significant Categorical Industrial User under the provisions of 40 CFR
116 Part 403.
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118 A. All Significant Industrial Users must, at a frequency determined by MSWSS
119 submit no less than twice per year [on dates specified] reports indicating the
120 nature, concentration of pollutants in the discharge which are limited by
121 Pretreatment Standards and the measured or estimated average and
122 maximum daily flows for the reporting period. In cases where the
123 Pretreatment Standard requires compliance with a Best Management
124 Practice (BMP) or pollution prevention alternative, the User must submit
125 documentation required by MSWSS or the Pretreatment Standard necessary
126 to determine the compliance status of the User.
127

128 B. All wastewater samples must be representative of the User's discharge.
129 Wastewater monitoring and flow measurement facilities shall be properly
130 operated, kept clean, and maintained in good working order at all times. The
131 failure of a User to keep its monitoring facility in good working order shall not
132 be grounds for the User to claim that sample results are unrepresentative of
133 its discharge.
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135 C. Significant Industrial Users are required to notify MSWSS immediately of any
136 changes at its facility affecting the potential for a Slug Discharge.
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138 D. All wastewater discharge permit applications, User reports and certification
139 statements must be signed by an Authorized Representative of the User and
140 contain the certification statement in Article 6(P) of the Sewer Use
141 Ordinance. An Authorized Representative is defined as follows:
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143 (1) If the User is a corporation:
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145 (a) The president, secretary, treasurer, or a vice-president of the
146 corporation in charge of a principal business function, or any other person
147 who performs similar policy or decision-making functions for the
148 corporation; or
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150 (b) The manager of one or more manufacturing, production, or operating
151 facilities, provided the manager is authorized to make management
152 decisions that govern the operation of the regulated facility including
153 having the explicit or implicit duty of making major capital investment
154 recommendations, and initiate and direct other comprehensive measures
155 to assure long-term environmental compliance with environmental laws
156 and regulations; can ensure that the necessary systems are established or
157 actions taken to gather complete and accurate information for individual
158 wastewater discharge permit; and where authority to sign documents has
159 been assigned or delegated to the manager in accordance with corporate
160 procedures.

161
162 (2) If the User is a partnership or sole proprietorship: a general partner or
163 proprietor, respectively.
164

165 (3) If the User is a Federal, State, or local governmental facility: a director
166 or highest official appointed or designated to oversee the operation and
167 performance of the activities of the government facility, or their designee.
168

169 (4) The individuals described in paragraphs 1 through 3, above, may
170 designate a Duly Authorized Representative if the authorization is in
171 writing, the authorization specifies the individual or position responsible for
172 the overall operation of the facility from which the discharge originates or
173 having overall responsibility for environmental matters for the company,
174 and the written authorization is submitted to MSWSS.
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176 If the designation of an Authorized Representative is no longer accurate
177 because a different individual or position has responsibility for the overall
178 operation of the facility or overall responsibility for environmental matters for
179 the company, a new written authorization satisfying the requirements of this
180 Section must be submitted to MSWSS prior to or together with any reports to
181 be signed by an Authorized Representative.
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184 **A-I (e). Notice of Violation/Repeat Sampling and Reporting**

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If sampling performed by an Industrial User indicates a violation, the User shall repeat the sampling and analysis and submit the results of the repeat analysis to MSWSS within thirty (30) days after becoming aware of the violation. If MSWSS performed the sampling and analysis in lieu of the Industrial User, MSWSS will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

194 **A-I (f). Recordkeeping**

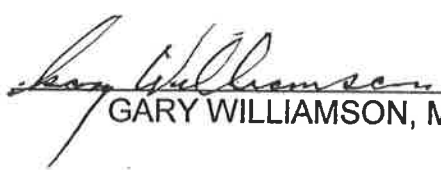
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Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records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

209 **A-I (h) Effective Date**

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This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.


GARY WILLIAMSON, MAYOR

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219 ATTEST:


JEANETTE BERTRAM, CITY CLERK

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224 3-20-12
225 DATE