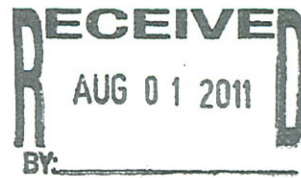




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
BOSTON, MA 02109-3912

May 2, 2011

Kristy Berard
Compliance Officer
Hoosac Water Quality District
667 Simonds Road
Williamstown, MA 01267



Re: Hoosac Water Quality District
Pretreatment Program Modifications

Dear Ms. Berard:

EPA is in receipt of the Hoosac Water Quality District's (District) revised Sewer Use Ordinance. The document was submitted in order to comply with the recent promulgation of the Pretreatment Streamlining Rule.

The purpose of this letter is to notify the District that EPA has reviewed the document and found it to be consistent with 40 CFR 403 regulations. Therefore, EPA is hereby approving modifications to the Sewer Use Ordinance.

Please note that the revised document is effective upon approval and should be incorporated into the District's Pretreatment Program as soon as possible.

Please feel free to contact me at (617) 918-1531 if you have any comments or questions regarding the contents of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Pimpate".

Justin Pimpate
Regional Pretreatment Coordinator

Cc: Jackie LeClair, EPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

JOHN F. KENNEDY FEDERAL BUILDING
BOSTON, MASSACHUSETTS 02203-0001

May 18, 1999

George Heisler, Jr.
Pretreatment Coordinator
Hoosac Water Quality District
Williamstown, MA 01267

Re: Approval of Local Limits and Sewer Use Ordinance for the Hoosac Water Quality District's Pretreatment Program

Dear Mr. Heisler:

As you know, the Environmental Protection Agency (EPA) public noticed its intent to approve Hoosac Water Quality District's (District) Local Limits and Sewer Use Ordinance as part of its approved pretreatment program. The purpose of the public notice was to provide interested parties an opportunity to comment on the proposed Local Limits and Sewer Use Ordinance as required by 40 CFR 403.18. As indicated in our letter to you dated April 5, 1999, the proposed Local Limits and Sewer Use Ordinance would be approved without further notice if no comments were received.

The purpose of this letter is to notify the District that our office did not receive any comments on the original public notice, and as such, the proposed documents are hereby approved without further public notice.

Please note that the District's Local Limits and Sewer Use Ordinance are effective upon approval and should be implemented into the District's pretreatment program.

If you have any questions regarding this letter, please contact Justin Pimpare at (617) 918-1531.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony V. DePalma".

Anthony V. DePalma, Manager
Municipal Assistance Unit

cc: Joe Canzano, EPA
John Reinhardt, MA DEP (Boston)

MAY 19 1999

**ORDINANCE REGULATING THE DISCHARGE OF WASTEWATER
AND
ESTABLISHING PRETREATMENT STANDARDS
FOR THE
DISCHARGE OF WASTEWATER TO THE
HOOSAC WATER QUALITY DISTRICT**

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**ORDINANCE REGULATING THE DISCHARGE OF WASTEWATER
AND
ESTABLISHING PRETREATMENT STANDARDS
FOR THE
DISCHARGE OF WASTEWATER TO THE
HOOSAC WATER QUALITY DISTRICT**

1.0 - GENERAL PROVISIONS

1.1 *Purpose and Policy*

This ordinance sets forth uniform requirements for users of the Hoosac Water Quality District, which is made up of the City of North Adams, the Town of Clarksburg and the Town of Williamstown, MA, and enables the foregoing communities to comply with all applicable State and Federal Laws, including the Clean Water Act (33 United States Code #1251 et seq.) and the General Pretreatment regulations (40 Code of Federal Regulations Part 403.)

The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated into receiving waters, or otherwise, be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote re-use and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the Publicly Owned Treatment Works; and

F. To enable the Hoosac Water Quality District to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State Laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 ADMINISTRATION

Except as otherwise provided herein, the Chief Operator shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Chief Operator in his capacity as Chief Operator, may be delegated by the Chief Operator to other designated personnel, as duly authorized by the Board of Commissioners.

1.3 ABBREVIATIONS

The following abbreviations when used in this ordinance shall have the following designated meanings:

BOD or BOD₅ - Biochemical Oxygen Demand

BMP - Best Management Practice

C or °C - the centigrade scale for temperature measurement (degrees Centigrade)

CFR - Code of Federal Regulations

COD - Chemical Oxygen Demand

EPA - U.S. Environmental Protection Agency

F or °F - the Fahrenheit scale for temperature measurement (degrees Fahrenheit)

gpd - gallons per day

HWQD - Hoosac Water Quality District

L - liter

mg - milligrams

mg/l - milligrams per liter

NPDES - National Pollutant Discharge
Elimination System

POTW - Publicly Owned Treatment Works

RCRA - Resource Conservation and Recovery
Act

SIC - Standard Industrial Classification

SWDA - Solid Waste Disposal Act - 42
U.S.C.6901

TSS - Total Suspended Solids

U. S. C. - United States Code

CIU - Categorical Industrial User

SIU - Significant Industrial User

1.4 DEFINITIONS

Unless a provision specifically indicates otherwise, the meaning of terms in this ordinance shall be as follows: (in alphabetical order)

- (1) ACT or "THE ACT"- The Federal Water Pollution Control Act, also known as the "Clean Water Act, as amended, 33 U.S.C. 1251.,et. seq.
- (2) APPROVAL AUTHORITY - Environmental Protection Agency - Region 1.
- (3) AUTHORIZED REPRESENTATIVE OF THE USER
 - (a) By a responsible corporate officer, if the user is a corporation. For the purpose of this paragraph, a responsible corporate officer means:

- (1.) a president, secretary, treasurer, or 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
 - (2.) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (b) By a general partner or proprietor if the user is a partnership, or sole proprietorship respectively.
- (c) By a duly authorized representative of the individual designated in paragraph (a)(1.) or (a)(2.)of this section if:
- (1.) The authorization is made in writing by the individual described in paragraph (a)(1.) or (a)(2.);
 - (2.) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(3.) the written authorization is submitted to the Hoosac Water Quality District.

(d) If an authorization under paragraph (c) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (c) of this section must be submitted to the Hoosac Water Quality District prior to or together with any reports to be signed by an authorized representative.

(4) BIOCHEMICAL OXYGEN DEMAND

The quantity of dissolved oxygen, expressed in milligrams per liter, used in the biochemical oxidation of wastewater in five (5) days at twenty degrees (20°C) Centigrade (sixty-eight degrees (68°F) Fahrenheit) under standard laboratory procedures.

(5) BEST MANAGEMENT PRACTICE

Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B of this ordinance in accordance with 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. [Note: BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.]

(6) BUILDING SEWER

A sewer conveying wastewater from the premises of a user to a public sewer.

(7) CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD

Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b)

and (c) of the Act (33 U.S.C.1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, subchapter N, parts 405-471

(8) CHIEF OPERATOR

The person designated by HOOSAC WATER QUALITY DISTRICT to supervise the operations of the District's Publicly Owned Treatment works and who is charged with the responsibilities and with certain duties by this ordinance, or a duly qualified and authorized representative.

(9) CITY - City of North Adams

TOWN - Town of Williamstown and/or Town of Clarksburg

(10) COMMONWEALTH - Commonwealth of Massachusetts

(11) COOLING WATER

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

(12) DIRECT DISCHARGE

The discharge of treated or untreated wastewater directly into the receiving water of the United State.

(13) DISTRICT - The Hoosac Water Quality District

(14) ENVIRONMENTAL PROTECTION AGENCY or EPA

The U.S. Environmental Protection Agency, or where appropriated the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

(15) EXISTING SOURCE

Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

(16) GRAB SAMPLE

A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

(17) HOLDING TANK WASTE

Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

(18) INDIRECT DISCHARGE OR DISCHARGE

The discharge or the introduction of pollutants into the POTW from any non-domestic source regulated under Section 307 (b), (c), or (d) of the Act, including holding tank waste discharged into the system.

(19) INDUSTRIAL USER

Any user of the POTW that discharges or proposes to discharge pollutants into the POTW from any non-domestic process source regulated under Section 307 (b), (c), or (d) of the Act.

(20) INDUSTRIAL WASTE

The liquid, solid or viscous wastes from a fabrication, manufacturing, production, or other process operation of a source regulated under Section 307 (b), (C), or (d) of the Act, which is discharged to the POTW.

(21) INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT

The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(22) INTERFERENCE

A discharge which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes,

use or disposal; and therefore, is a cause of a violation of HOOSAC WATER QUALITY DISTRICT NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act (SWDA) Including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in the state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act(SWDA), The Clean Air Act, The Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act.

(23) MEDICAL WASTE

Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

(24) NATIONAL CATEGORICAL PRETREATMENT STANDARD

Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

(25) NATIONAL GENERAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD

Any regulation developed under the authority of 307(b)of the Act and 40 CFR 403.5.

(26) NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM or NPDES PERMIT

A permit issued pursuant to Section 402 of the Act (33 U.S. C.1342)

(27) NEW SOURCE

a. Any building, structure, facility, or installation 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, provided that;

- (1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section a. 2. or 3. above but otherwise alters replaces, or adds to existing process or production equipment.

c. Construction of a new source as defined under this paragraph has commenced if the owner or operator has;

- (1) Begun, or caused to begin, as part of continuous onsite construction program;
 - (a) any placement, assembly, or installation of facilities or equipment; or
 - (b) significant site preparation work including clearing, excavating or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or

(2) Entered into a binding contractual obligation for purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility engineering, and design studies do not constitute a contractual obligation under this paragraph.

(28) NONCONTACT COOLING WATER

Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

(29) PASS THROUGH

A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the HOOSAC WATER QUALITY DISTRICT'S NPDES Permit, including an increase in the magnitude or duration of a violation.

(30) PERSON

Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, or the singular shall include the plural where indicated by the context.

This definition includes all Federal, State, and local governmental entities.

(31) pH

A measure of the acidity or alkalinity of a solution, expressed in standard units. The logarithm (base 10) of the reciprocal of the weight of hydrogen ions expressed in grams per liter of solution.

(32) POLLUTANT

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

(33) PRETREATMENT OR TREATMENT

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, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

(34) PRETREATMENT REQUIREMENTS

Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

(35) PRETREATMENT STANDARDS OR STANDARDS

Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards and local limits.

(36) PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES

Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.

(37) PUBLICLY OWNED TREATMENT WORKS - (POTW)

A "treatment works" as defined by Section 212 of the Act(33 U.S.C. 1292) which is owned by the HOOSAC WATER QUALITY DISTRICT. This definition includes any devices

or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial waste of a liquid nature and any conveyances which convey wastewater to this treatment plant; but does not include pipes, sewers or other conveyances not connected to a POTW providing treatment.

(38) POTW - TREATMENT PLANT

That portion of the POTW designed to provide treatment to wastewater.

(39) SEPTIC TANK WASTE

Any sewage from holding tanks, such as vessels, chemical toilets, campers, trailers, and septic tanks.

(40) SEWAGE

Human excrement and gray water (household showers, dishwashing operations, etc.)

(41) SHALL - when used in this ordinance means it is mandatory to carry out the provisions of the subject matter in which the verb "shall" is used.

MAY is a permissive application of subject matter in which the word appears, meaning that the application referred to is not a required application.

(42) SIGNIFICANT INDUSTRIAL USER

a. A user subject to categorical pretreatment standards; or

b. A user that:

(1) Discharges an average of Twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or

(2) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(3) Is designated as such by the HWQD on the basis that it has a reasonable potential for adversely affecting the POTW's operating or for

violating any pretreatment standard or requirement.

- c. Upon a finding that a user meeting the criteria in subsection b has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the HWQD may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8 (f)(6), determine that such a user should not be considered a Significant Industrial User.

(43) SLUG LOAD OR SLUG

Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance.

(44) STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE

A classification pursuant to the Standard Industrial Classification Manual issued in the United States Office of Management and Budget.

(45) STORM WATER

Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

(46) SUSPENDED SOLIDS

The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

(47) TOXIC POLLUTANT

Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the Provisions of CWA 307 (a) or other Acts.

(48) WASTEWATER

The liquid and water-carried industrial wastes and sewage from residential dwellings, commercial

buildings, industrial and manufacturing facilities, institutions and public buildings, whether treated or untreated, which are contributed to or permitted to enter the POTW.

(49) 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, or border upon the Commonwealth, or any portion thereof.

(50) WASTEWATER DISCHARGE PERMIT

As set forth in this ordinance.

2.0 - GENERAL SEWER USE REQUIREMENTS/REGULATIONS

2.1 PROHIBITED DISCHARGE STANDARDS

A. GENERAL PROVISIONS

No user shall contribute or cause to be contributed, directly or indirectly to the POTW, any pollutant or wastewater which results in pass through or interference, or which presents a hazard to the HWQD's workers, treatment facility or collection system. These general prohibitions apply to all such users of this POTW whether or not the user is subject to National Categorical Pretreatment Standards, or any other national, State or Local pretreatment standards or requirements.

B. SPECIFIC PROVISIONS

No user shall introduce or cause to be introduced into the POTW or collection system pipes, mains, manholes, or other conveyances the following pollutants, substances or waste water.

- (1) Any pollutants, liquids, solids or gases, which by reason of their nature or concentration are or may be sufficient either alone or by interaction with other substances to cause fire or explosion, including, but not limited to waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to; gasoline, kerosene, benzene, naphtha, fuel oil, and other hydrocarbon derivatives including petroleum ethers and coal gas or coal tar distillates, alcohols, aldemides, aldehydes, peroxide, perchlorates/chlorates, bromates, carbides, hydrides, sulfides, or any other substances which the District, the Commonwealth or EPA has identified as a hazard to the system by virtue of flammability, explosivity, or reactivity.
- (2) Any wastewater outside of the approved pH range or having any other corrosive properties capable of causing damage or hazard to structures, equipment or personnel of the District. The approved pH range for all Industrial Users is no less than 7.0

or more than 11.0. All other wastewater has an approved pH range of no less than 5.5 or more than 9.5.

- (3) Any solids greater than one-half inch in size in any dimension or viscous substances in amounts which will cause obstruction of the flow in a sewer, or cause other interference with the operation of the POTW. Substances of this type include, but are not limited to, grease, garbage, animal guts or tissues, paunch manure, bones, hair, hides, fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- (4) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and or pollutant concentration which, either singly or by interaction with other pollutants and which will cause interference with the POTW. In no case shall a slug load have a flow rate, or contain concentration or quantities of pollutants, that exceed, at any time, for a period longer than fifteen (15) minutes, more than five (5) times the average twenty four (24) hour concentration, quantities, or flow during normal operation.
- (5) Any wastewater having a temperature, which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature, at the introduction into the POTW, which exceeds 140 degrees F (40 degrees C) or into a POTW sewer with a temperature at the introduction thereto which exceeds 140 degrees F (60 degrees C).
- (6) Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts which will cause interference or pass through. Specifically, any discharge of fats, wax, grease, or oils of petroleum or mineral origin, whether emulsified or not, in excess of one hundred (100) mg/l, or containing substances which may solidify

or become viscous at temperatures between 32 degrees F (0 degrees C) and 140 degrees F (60 degrees C).

- (7) Any wastewater containing toxic pollutants, which result in the presence of toxic gases, vapors or fumes, in sufficient quantities, whether singly or by interaction with other pollutants, to injure or interfere with any waste water treatment process, cause chronic or acute worker health and safety hazards, constitute a hazard to other humans or to animals, creates a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in any Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307 (a) of the Act or other Acts.
- (8) Any trucked or hauled pollutants, except at discharge points designated by the Chief Operator in accordance with this ordinance.
- (9) Any noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes are sufficient to cause a public nuisance or hazard to life, or which prevent entry into the sewers for maintenance or repair.
- (10) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plants effluent, thereby violating the HWQD's NPDES Permit.
- (11) Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Chief Operator in compliance with applicable Federal Regulations.
- (12) Any substance such as sludge, screenings, scums or residues from the pretreatment of industrial wastes, which may cause the POTWs effluent to be unsuitable for reclamation and reuse, or to interfere with the reclamation process. In no case shall a substance discharged into the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria

guide lines or regulations developed under section 405 of the Act; with any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, The Clean Air Act, the Toxic Substances Control Act or State criteria applicable to the sludge management method being used.

- (13) Any medical wastes, except as specifically authorized by the Chief Operator in a wastewater discharge permit.
- (14) Any wastewater causing, alone or in conjunction with other sources, the treatment plants effluent to fail a toxicity test.
- (15) Any detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.
- (16) Any fats, oils or greases of animals or vegetable origin in concentrations of 100 mg/l or greater, or of lesser concentrations of such a nature which may impede flow or interfere with HWQD processes, or cause violation of any applicable state or federal regulations.
- (17) Any wastewater which contains pollutants having the potential to cause fire or explosion.
- (18) Any substance which will cause the POTW to violate either its NPDES or State Disposal System Permit or the Receiving Water Quality Standards.
- (19) Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

When the Chief Operator determines that a user is contributing to the POTW any of the enumerated substances in such amounts as to interfere with the operation of the POTW, the Chief Operator shall: (1) Advise the user of the impact of the contribution on the POTW; and (2) Develop effluent limitations for such User(s) to correct the interference with the POTW.

This provision does not constitute a bar against, or a prerequisite for, taking any other action against the user as specified in Section 10 of this ordinance.

2.2 NATIONAL CATEGORICAL PRETREATMENT STANDARDS

The categorical pretreatment standards found in 40 CFR Chapter I, subchapter N, parts 405-471 are hereby incorporated, as of the effective date of this ordinance. Further, revisions to categorical pretreatment standards shall be incorporated in wastewater discharge permits in accordance with the provisions of Section 5.4 of this ordinance.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater the Chief Operator may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6 (c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Chief Operator shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6 (e), or using another approved combined waste stream methodology.
- C. A user may obtain a variance from a categorical pretreatment standard, if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to discharge are fundamentally different from the factors considered by the EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
- E. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this ordinance. The Chief Operator shall notify all affected users of the applicable reporting requirements under 40 CFR Section 403.12.

F. Where the District's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the District may apply to the approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system for 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7 (c) of Title 40 of the Code of Federal Regulations Part 403 - "General Pretreatment for Existing and New Sources of Pollution", promulgated pursuant to the Act. The District may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirement contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

2.3 STATE PRETREATMENT STANDARDS

STATE OF MASSACHUSETTS

The Division of Water Pollution Control, under the authority of M.G.L., C.21, S.S. 27 (9), 27 (12) and 34, has established 314 CMR Code of Massachusetts Regulations Section 12 "Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Dischargers." These state pretreatment standards, in effect as of the date of enactment of this ordinance, are located at Appendix A of this ordinance. Wherever state standards are more stringent than those specified in this ordinance, the current version of the state standards shall apply.

2.4 LOCAL LIMITS

The following pollutant limits are established to protect against pass through, interference and sludge quality. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits.

Pollutant	Instantaneous Maximum Allowable Discharge Limit (mg/L)
Aluminum	161.6
Arsenic	0.31
Boron	1.01
Cadmium	0.09
Chromium	4.1
Copper	0.56
Cyanide	2.02
Lead	0.43
Mercury	0.0034
Molybdenum	0.04
Nickel	4.89
Selenium	0.24
Silver	0.06
Zinc	6.04
Total Suspended Solids	100
Animal or Vegetable Fats, Oils, Greases	100
Biological Oxygen Demand (BOD ₅)	100

Substance	Instantaneous Maximum Allowable Discharge Limit (mg/L)
Acrylonitrile	23.87
Benzene	1.06
Bromomethane (methyl bromide)	0.01
Carbon Disulfide	0.64
Carbon Tetrachloride	0.16
Chlorobenzene	0.31
Chloroethane (ethyl chloride)	0.043
Chloroform	2.04
Chloromethane (methyl chloride)	0.01
1,2-Dichlorobenzene	3.74
1,4-(para) Dichlorobenzene	0.47
CIS-1,2-Dichloroethylene	0.28
trans-1,2-Dichloroethylene	0.28
1,2-Dichloropropane	3.65
Ethyl Benzene	3.17
Ethylene Dichloride	21.28
Formaldehyde	0.29
Methyl Ethyl Ketone	122.26
Methylene Chloride (dichloromethane)	20.58
Toluene	8.15
1,1,2-Trichloroethane	1.56
Vinyl Chloride	0.38
Vinylidene Chloride	0.003

The limits listed above apply at a point where the wastewater is discharged to the POTW. All concentrations of metallic substances are for "total" metal unless indicated otherwise. The Chief Operator MAY impose mass limitations in addition to, or in place of, the concentration-based limitations above.

This list may be changed or modified by the Chief Operator as local conditions, requirements or situations indicate.

2.5 HOOSAC WATER QUALITY DISTRICT - RIGHT OF REVISION

The District reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

2.6 DILUTION/EXCESSIVE DISCHARGE

No user shall ever increase the use of process water, or in any way to attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Chief Operator may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

3.0 - PRETREATMENT OF WASTEWATER

3.1 PRETREATMENT FACILITIES

Each user shall provide protection from accidental and intentional discharge of prohibited materials or other substances regulated by this ordinance. Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.1 of this ordinance within the time limitations specified by EPA, the State, or the Chief Operator, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the District for review, and shall be approved by the District before construction of the facility. No user who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until discharge procedures have been approved by the District. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of this ordinance.

Each user shall permanently post a notice on the user's bulletin board or other prominent place, advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the foregoing notification procedure.

3.2 ADDITIONAL PRETREATMENT MEASURES

- A. Whenever deemed necessary, the Chief Operator may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- B. The Chief Operator may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control

facility to ensure equalization of flow. A wastewater discharge permit may be issued for flow equalization.

- C. Grease, oil and sand interceptors shall be provided when, in the opinion of the Chief Operator, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand. All interception units shall be of a type and capacity approved by the Chief Operator and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at his expense.
- D. Users with potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3.3 ACCIDENTAL DISCHARGE/ SLUG CONTROL PLANS

The Chief Operator shall evaluate whether each Industrial User needs an accidental discharge/slug control plan. The Chief Operator may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Chief Operator may develop such a plan for any user. An accidental discharge/slug control plan shall address at a minimum, the following;

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Chief Operator of any accidental or slug discharge, as required by Section 6.6 of this ordinance; and
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and /or measures and equipment for emergency response.

3.4 HAULED WASTEWATER

- A. Disposal of hauled industrial waste into the District's facilities is strictly prohibited.
- B. The Hoosac Water Quality District requires haulers of domestic septic tank waste to obtain wastewater discharge permits from the Hoosac Water Quality District by authority of the Chief Operator. Only those haulers having properly authorized and current discharge permits will be allowed to discharge hauled wastes at the District's facilities, subject to all other requirements of this ordinance.
- C. Domestic septic tank waste may be accepted only at locations and times specified by the Chief Operator. Such "waste" shall not violate any other provision of this ordinance or any other requirements established by the Hoosac Water Quality District.
- D. A sample of domestic hauled waste will be collected and tested by Hoosac Water Quality District personnel prior to disposal to ensure compliance with applicable standards.
- E. Domestic septic tank waste haulers must provide a waste tracking form, approved and provided by the Hoosac Water Quality District, containing the following information:
 - 1. The name and address of the hauler.
 - 2. The hauler's permit number and truck license number.
 - 2. Name(s) and addresses of sources of the waste.
 - 3. Volume and characteristics of the waste.
 - 4. Date and signature of the driver.

4.0 - WASTEWATER DISCHARGE PERMITTING

4.1 PERMITTING REQUIREMENTS – GENERAL

It shall be unlawful to discharge to any natural outlet or in any area under the jurisdiction of the Hoosac Water Quality District, or to the POTW, any wastewater except as authorized by the HWQD Chief Operator, in accordance with the provisions of this ordinance.

No Significant Industrial User shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Chief Operator, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.3 of this ordinance may continue to discharge for the time period specified therein.

The Chief Operator may require other users to obtain wastewater discharge permits as necessary to meet the requirements of this ordinance.

Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set forth in Section 10 through 12 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or requirements or with any other requirements of Federal, State and Local law.

4.2 WASTEWATER ANALYSIS

When requested by the Chief Operator for the purpose of determining permit applicability and/or other factors relating to the requirements of this ordinance, a user must submit information on the nature and characteristics of its wastewater within twenty one (21) days of the request. The Chief Operator is authorized to prepare a form for this purpose and may periodically require users to update this information.

4.3 WASTEWATER DISCHARGE PERMITTING: EXISTING CONDITIONS

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future shall, within

thirty (30) days after said date, apply to The Chief Operator for a wastewater discharge permit in accordance with Section 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Chief Operator, unless an extension to the ninety (90) day time limit has been granted by the Chief Operator.

4.4 WASTEWATER DISCHARGE PERMITTING: NEW CONNECTIONS

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit in accordance with Section 4.5 of this ordinance must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

4.5 WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS

All users required to obtain a Wastewater Discharge Permit shall complete and file with the District an application in the form prescribed by the District, accompanied by a fee established under Section 15. The application shall be reviewed and signed by an authorized representative of the user and certified to by a qualified professional. Existing Users shall apply for a wastewater discharge permit within 30 days after the effective date of this ordinance. In support of the application, the applicant shall submit, in units and terms appropriate for evaluation, the following information (*):

*Incomplete or inaccurate applications will not be processed, and will be returned to the user for revision.

- A. All information required by Section 6.1(B) of this ordinance.
- B. Description of activities, facilities, and plant processes on the premises, including a list of raw materials and chemicals used or stored at the facility which are or could accidentally or intentionally be discharged to the POTW.
- C. Number and type of employees, hours of operation, and proposed or actual hours of operation.

- D. Each product produces by type, amount, process, or processes, and rate of production.
- E. Type and amount of raw materials processed (average and maximum per day).
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location and elevation, and all points of discharge.
- G. Average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
- H. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- I. Wastewater constituents and characteristics, as determined by sampling of wastewater, and analysis by a certified analytical laboratory, performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136 as amended.
- J. Any other information as may be deemed necessary by the Chief Operator to evaluate the wastewater discharge permit application.

4.6 APPLICATION SIGNATORIES AND CERTIFICATION

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

The applicant shall submit three (3) copies of the certified application to HWQD for evaluation.

4.7 WASTEWATER DISCHARGE PERMIT EVALUATIONS

The HWQD will evaluate the data furnished by the user and will, within thirty (30) days of receipt of a complete wastewater discharge permit application, determine whether or not to issue a wastewater discharge permit. The HWQD may deny any application for a wastewater discharge permit.

5.0 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

5.1 WASTEWATER DISCHARGE PERMIT DURATION AND RENEWAL

A wastewater discharge permit shall be issued for a specified period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period of less than five (5) years, at the discretion of the Chief Operator. Each Wastewater discharge permit will indicate a specific date on which it will expire.

Existing users shall apply for permit renewal at least 180 calendar days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modification by the District during the term of the permit if applicable sections of this ordinance are revised. The User shall be informed of any proposed changes in the permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a time schedule for compliance.

5.2 WASTEWATER DISCHARGE PERMIT CONTENTS

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

Wastewater discharge permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges & fees established by the District.

A. Permits MUST contain the following:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
- (2) A statement that the wastewater discharge permit is NON-TRANSFERABLE without prior notification to the HWQD in accordance with Section 5.5 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (4) Requirements for self-monitoring and pollutant sampling, including sampling location, sampling frequency, and sampling type and standards based on Federal, State and local law;
- (5) Specifications for the design, installation, and maintenance of sampling and wastewater treatment facilities;
- (6) Identification of pollutants to be monitored;
- (7) Compliance schedules;
- (8) Requirements for the submission of technical or discharge reports.
- (9) Requirements for notification to the District of any introduction of new wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater system;
- (10) Requirements for maintaining plant records relating to wastewater discharge as specified by the District, and language affording District personnel access to same, in accordance with Section 6.13 of this ordinance;
- (11) Requirements to control Slug Discharge, if determined by the Chief Operator to be necessary, in accordance with Section 3.3 of this ordinance; and
- (12) A statement of applicable civil & criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule.

Such schedule may not extend the time for compliance beyond that required by applicable Federal, State or local Law.

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

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation & equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
- (6) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (7) Other conditions as deemed appropriate by the Chief Operator to ensure compliance with this ordinance, and Federal and State Laws, rules & regulations.

5.3 WASTE WATER DISCHARGE PERMIT APPEALS

The Chief Operator shall provide public notice of the issuance of a wastewater discharge permit. Any person including the user may petition the HWQD and the Chief Operator to reconsider the terms of a wastewater discharge permit within ten (10) days of the date of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must specify the wastewater discharge permit provisions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the Chief Operator fails to act within sixty (60) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Superior Court of Berkshire County in Pittsfield, MA, within the time period for such action as is stated in the Statute of Limitations for the State of Massachusetts.

5.4 WASTEWATER DISCHARGE PERMIT MODIFICATION

Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard or revision thereto, the wastewater discharge permits of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to a National Categorical Pretreatment Standard has not previously submitted an application for a wastewater discharge permit as required, the user shall apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard or revision thereto. In addition, the user with an existing wastewater discharge permit shall submit to the Chief Operator within one hundred eighty (180) days after promulgation of an applicable Federal Categorical Pretreatment Standard or revision thereto the following information:

- (1) The nature and concentration of any pollutants in the discharge which are limited by any District, State or

Federal Pretreatment Standard, and a statement regarding whether or not the Pretreatment Standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O & M) or additional pretreatment, or both are required for the user to meet applicable Pretreatment Standards.

- (2) If either additional pretreatment or O & M will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The Chief Operator may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State or Local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since previous issuance of the wastewater discharge permit;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the HWQD's POTW, District personnel or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13; or

5.5 WASTE WATER DISCHARGE PERMIT TRANSFER

- A. A wastewater discharge permit may not be transferred to a new owner or operator of a non-residential user currently covered under an existing permit.

- B. The present owner or operator of a facility having a legal existing, unexpired wastewater discharge permit must notify HWQD immediately of any impending change in ownership or operation of said facility. Such change will render the existing permit void, as of the date of the user's transfer of his operations to a new owner or operator.

The new owner or operator, intending to continue operation of said facility must comply with all the provisions in the HWQD Ordinance which requires the new owner or operator to obtain and file for a Wastewater Discharge Permit with the Hoosac Water Quality District, in accordance with Section 4 of this ordinance.

5.6 WASTEWATER DISCHARGE PERMIT REVOCATION

Any user who violates the conditions of this ordinance or applicable Commonwealth or Federal Regulations is subject to having his wastewater discharge permit revoked in accordance with the procedures of this ordinance.

The HWQD may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. The District may suspend the wastewater treatment service or a Wastewater Discharge Permit when such suspension is necessary, in the opinion of the HWQD, in order to stop an actual or threatened discharge which represents or may represent an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the District to violate any conditions of its NPDES Permit;
- B. Failure of a User to notify and factually report to the Chief Operator significant changes in the wastewater constituents and characteristics of his discharge prior to the changed discharge;
- C. Failure of the User to report to the Chief Operator significant changes in operations & changed conditions pursuant to Section 6.5 of this ordinance;
- D. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

- E. Falsifying self-monitoring reports;
- F. Tampering with monitoring equipment;
- G. Refusing to allow the Chief Operator timely access to the facility premises and records;
- H. Failure to meet effluent limitations;
- I. Failure to pay fines;
- J. Failure to pay sewer charge;
- K. Failure to meet compliance schedule;
- L. Failure to complete a wastewater survey or the wastewater discharge permit application;
- M. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- N. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

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

Any person notified of a suspension of the wastewater treatment service or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the District shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The District shall reinstate the Wastewater Discharge Permit or the wastewater treatment service upon proof of the elimination of the non-complying discharge.

5.7 WASTE WATER DISCHARGE PERMIT REISSUANCE

A user with an expiring wastewater discharge permit shall apply for a wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this ordinance, a minimum of 180 days

prior to the expiration of the user's existing wastewater discharge permit.

5.8 REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS

- A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Chief Operator shall enter into an intermunicipal agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph 5.8A above, the Chief Operator shall request the following information from the contributing municipality:
 - (1) A description of the quality and volume of wastewater discharged to the POTW by the municipality;
 - (2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and
 - (3) Such other information as the Chief Operator may deem necessary.
- C. An intermunicipal agreement, as required by paragraph "A", above, shall contain the following conditions:
 - (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in Section 2.4 of this ordinance. The requirements shall specify that such ordinance and limits must be revised as necessary to reflect changes made to HWQD's ordinance or local limits;
 - (2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
 - (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Chief Operator; and which of these activities will be conducted jointly by the contributing municipality and the Chief Operator;

- (4) A requirement for the contributing municipality to provide the Chief Operator with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (5) Limits on the nature, quality and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (6) Requirements for the monitoring of the contributing municipality's discharge.
- (7) A provision ensuring the Chief Operator access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Chief Operator; and
- (8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

6.0 - REPORTING REQUIREMENTS

6.1 BASELINE MONITORING REPORTS

- A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Chief Operator a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subject to the promulgation of an applicable categorical standard, shall submit to the Chief Operator a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information as set forth below.
- (1) Identifying Information: The name and address of the facility, including the name of the operator and owner.
 - (2) Environmental Permits: A list of any environmental control permits held by or for the facility.
 - (3) Description of Operations: A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by each user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - (4) Flow Measurement: Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
 - (5) Measurement of Pollutants:

- (a) The categorical pretreatment standards applicable to each regulated process.
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Chief Operator, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of the daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this ordinance.
 - (c) Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance.
- (6) Certification: A statement, reviewed by the user's authorized representative and certified by a qualified professional, 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 to meet the pretreatment standards and requirements.
- (7) Compliance Schedule: If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O & M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.2 of this ordinance.
- (8) Signature and Certification: All baseline monitoring reports must be signed and certified in accordance with Section 4.6 of this ordinance.

6.2 COMPLIANCE SCHEDULE PROGRESS REPORTS

The following conditions shall apply to the compliance schedule required by Section 6.1 (B) (7) of this ordinance.

- A. The schedule shall contain progress increments in the

form of milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contract for major components commencing and completing construction, and beginning and conducting routine operation);

- B. No increment referred to above shall exceed nine (9) months;
- C. The user shall submit a progress report to the Chief Operator no later than fourteen (14) days following each milestone date in the schedule and the final date of compliance including, as a minimum whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Chief Operator.

6.3 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Chief Operator a report containing the information described in Section 6.1 (B) (4-6) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6 (c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.6 of this ordinance.

6.4 PERIODIC COMPLIANCE REPORTS

- A. Except as specified in Section 6.4.C, all significant industrial users must, at a frequency determined by the Chief Operator submit no less than twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Chief Operator or the Pretreatment Standard necessary to determine the compliance status of the User.
- B. All periodic compliance reports must be signed and certified in accordance with Section 4.6 of this ordinance.
- C. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- D. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Chief Operator, using the procedures prescribed in Section 6.11 of this ordinance, the results of this monitoring shall be included in the report.

6.5 REPORTS OF CHANGED CONDITIONS

Each user must notify the Chief Operator of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

- A. The Chief Operator may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this ordinance.
- B. The Chief Operator may issue a wastewater discharge

permit under Section 4.7 of this ordinance or modify an existing wastewater discharge permit under Section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.

- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty (20) percent or greater, and the discharge of any previously unreported pollutants.

6.6 REPORTS OF POTENTIAL PROBLEMS.

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Chief Operator of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Chief Operator, submit a detailed written report describing the cause(s) of the discharge and the measure to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW; natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur are advised of the emergency notification procedure.

6.7 REPORTS FROM NON-PERMITTED USERS

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Chief Operator as the Chief Operator may require.

6.8 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING

If sampling performed by a user indicates a violation, the user must notify the Chief Operator within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Chief Operator within thirty (30) days after becoming aware of the violation. The user is not required to re-sample if the Chief Operator monitors the user's facility at least once a month, or if the Chief Operator samples between the user's initial sampling and when the user receives the results of this sampling.

6.9 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE

The District has developed local limits, specified in Section 2.4 of this ordinance, to protect against pass through, interference, and personal hazards and facility damage caused by the pollutants of concern listed in that section.

Discharges to the HWQD treatment facility or collection system of any other substances not specified among the pollutants of concern in Section 2.4 and which are defined as hazardous pursuant to 40 CFR 261, in any amounts or concentrations, are strictly prohibited unless expressly approved by the Chief Operator in a valid wastewater discharge permit issued by the HWQD in accordance with the provisions set forth in Section 4 of this ordinance.

6.10 ANALYTICAL REQUIREMENTS

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

6.11 SAMPLE COLLECTION

- A. Except as indicated in Section B, below, the user must collect wastewater samples using flow proportional

composite collection techniques. In the event flow proportional sampling is infeasible, the Chief Operator may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.
- C. The Chief Operator shall specify the schedule and frequency for sample collection.

6.12 TIMING

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.13 RECORD KEEPING

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates 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 Hoosac Water Quality District, or where the user has been specifically notified of a longer retention period by the Chief Operator.

7.0 - COMPLIANCE MONITORING

7.1 RIGHT OF ENTRY: INSPECTION AND SAMPLING

The Chief Operator shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Chief Operator ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a user has security measures in force which 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, The Chief Operator will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Chief Operator shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The Chief Operator may require the user to install, at his expense, sampling, monitoring, and control equipment as necessary to ensure that the provisions of the user's discharge permit are consistently met.

This equipment may include, but is not limited to, instruments and devices to measure and record pH, flow, and temperature of effluent streams, devices (such as automatic valves) to control the discharge of waste water and devices to collect waste water samples.

This equipment shall be maintained, serviced, and calibrated by the user at his expense in accordance with the instructions provided by the manufacturer at the intervals specified by the manufacturer, or as specified by the Chief Operator, to ensure true, accurate, and consistent measurements. Records of maintenance, service, and calibration shall be maintained by the user, and provided to the Chief Operator as part of the periodic compliance report specified in Section 6.4 of this ordinance, or more frequently if so specified by the Chief Operator.

- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Chief Operator and shall not be replaced. The cost of such clearing shall be born by the user.
- E. Unreasonable delays in allowing the Chief Operator access to the user's premises shall be a violation of this ordinance.

7.2 SEARCH WARRANTS

If the Chief Operator has been refused access to building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Hoosac Water Quality District designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Chief Operator may seek issuance of a search warrant from the Northern Berkshire District Court in the City of North Adams, MA.

8.0 - CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Chief Operator's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the Chief Operator, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR

2.302 will not be recognized as confidential information and will be available to the public without restriction.

9.0 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Chief Operator shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located or the District which it serves, a list of users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- A. Chronic violations of wastewater discharge limits defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit for the same pollutant parameter by any amount;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other discharge violation that the Chief Operator believes has caused, alone or in combination, with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Chief Operator's exercise of his emergency authority to halt or prevent such a discharge;
- E. Failure to meet or provide, within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- F. Failure to accurately report noncompliance; or

G. Any other violation(s) which the Chief Operator determines will adversely affect the operation or implementation of the local pretreatment program.

10.0 - ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 NOTIFICATION OF VIOLATION

When the Chief Operator finds that a user has violated, or continues to violate, any provision of this ordinance a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Chief Operator may serve upon that user a written Notice of Violation. Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Chief Operator. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Chief Operator to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 CONSENT ORDERS

The Chief Operator may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

10.3 SHOW CAUSE HEARING

The Chief Operator may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Chief Operator and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for the action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice

of the meeting shall be served personally or by registered mail (return receipt requested) at least thirty (30) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against or prerequisite for, taking any other action against the user.

A. SHOW CAUSE HEARING PROCEDURE

The HOOSAC WATER QUALITY DISTRICT'S BOARD OF COMMISSIONERS, may themselves conduct the hearing and take evidence, or may designate any of their members or any officer or employee of the District to:

- (1) Issue in the name of the District's Board of Commissioners 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 the evidence;
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the District Commissioners for action thereon;
- (4) At this hearing, the District Commissioners must be represented by the District's Legal Counsel.

At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded. A transcript will be made available to any member of the public or any party to the hearing upon payment of the usual charges incurred thereof.

10.4 COMPLIANCE ORDERS

When the Chief Operator finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Chief Operator may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other

requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.5 CEASE AND DESIST ORDERS

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

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

10.6 ADMINISTRATIVE FINES

- A. When the Chief Operator finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Chief Operator may fine such user in an amount not to exceed twenty-five thousand (\$25,000) dollars, the maximum allowed under state law. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall after thirty (30) calendar days, be assessed an additional penalty of ten (10) percent of the unpaid balance, and interest shall accrue thereafter at a rate of one and one half (1 ½%) percent per month. A lien against the user's property will be sought for unpaid charges, fines and

penalties.

- C. Users desiring to dispute such fines must file a written request for the Chief Operator to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Chief Operator may convene a hearing on the matter. In the event the user's appeal is successful, the payment together with any interest accruing thereto, shall be returned to the user. The Chief Operator may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against, or prerequisite for, taking any other action against the user.

10.7 EMERGENCY SUSPENSIONS

The Chief Operator may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Chief Operator may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present and endangerment to the environment.

- A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Chief Operator may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to POTW, its receiving stream, or endangerment to any individuals. The Chief Operator may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Chief Operator that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent

any future occurrence, to the Chief Operator prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this ordinance.

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

10.8 TERMINATION OF DISCHARGE

In addition to the provisions in Section 5.6 of this ordinance, any user who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in Section 2 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Chief Operator shall not be a bar to, or a prerequisite for, taking any other action against the user.

11.0 - JUDICIAL ENFORCEMENT REMEDIES

11.1 INJUNCTIVE RELIEF

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

11.2 CIVIL PENALTIES

- A. A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement shall be liable to Hoosac Water Quality District for a maximum civil penalty of twenty-five thousand dollars (\$25,000) under Mass. State Law but not less than one thousand dollars (\$1,000) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation.
- B. The Chief Operator may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by HWQD.
- C. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation any economic benefit gained through the user's violation corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

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

11.3 CRIMINAL PROSECUTION

- A. A user who willfully or negligently violates a provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than twenty-five thousand dollars (\$25,000) per Mass. State Law, per day, or imprisonment for not more than one (1) year, or both.
- B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor, and be subject to a penalty of at least twenty-five thousand dollars (\$25,000) under Mass. State Law, or be subject to imprisonment for not more than two (2) years, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State Law.
- C. A user who knowingly makes any false statements, representations, or certifications in any application record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than twenty-five thousand dollars (\$25,000), under Mass. State Law, per violation, per day, or imprisonment for not more than two (2) years, or both.
- D. In the event of a second conviction, a user shall be punished by a fine of not more than twenty-five thousand dollars (\$25,000) per violation, per day, or imprisonment for not more than two (2) years or both.

11.4 REMEDIES NONEXCLUSIVE

The remedies provided for in this ordinance are not exclusive. The Chief Operator may take any, all, or any combination of these actions against a non-compliant user.

Enforcement of pretreatment violations will generally be in accordance with the District's enforcement response plan. However the Chief Operator may take other action against any user when the circumstances warrant. Further, the Chief Operator is empowered to take more than one enforcement action against any non-compliant user.

12.0 - SUPPLEMENTAL ENFORCEMENT ACTION

12.1 PERFORMANCE BONDS

The Chief Operator may decline to issue a wastewater discharge permit to any user who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to Hoosac Water Quality District in a sum not to exceed a value determined by the Chief Operator to be necessary to achieve consistent compliance.

12.2 LIABILITY INSURANCE

The Chief Operator may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this ordinance a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.3 WATER SUPPLY SEVERANCE

Whenever a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

12.4 PUBLIC NUISANCES

A violation of any provision of this ordinance a wastewater discharge permit, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the Chief Operator.

Any person or persons creating public nuisance shall be subject to the provisions of the Hoosac Water Quality District ordinance governing such nuisances, including reimbursing the HWQD for any costs incurred in removing, abating, or remedying said nuisance.

12.5 CONTRACTOR LISTING

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the HWQD. Existing contracts for the sale of goods or services to the HWQD held by a user to be in significant noncompliance with pretreatment standards or requirement may be terminated at the discretion of the Chief Operator.

13.0 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 UPSET

- A. For the purpose of this section, " upset " means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C), below, are met.
- C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- (1) An upset occurred and the user can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The user has submitted the following information to the Chief Operator within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected the anticipated time the noncompliance is expected to continue; and
 - (c) Steps taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

- D. In any enforcement proceeding, the user seeking to establish occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

13.2 PROHIBITED DISCHARGE STANDARDS

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1 (B)(1) through (7), and (9) through (19) of this ordinance or the specific prohibitions in Section 2.1 (B) through (17) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference, or;
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when HWQD was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

13.3 BYPASS

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

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

14.0 - WASTEWATER TREATMENT RATES

(RESERVED)

15.0 - MISCELLANEOUS PROVISIONS

15.1 PRETREATMENT CHARGES AND FEES (OPTIONAL)

Hoosac Water Quality District may adopt reasonable fees for reimbursement of costs of setting up and operating the District's Pretreatment Program, which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such application.
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals; and

E. Other fees as the District may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the District.

15.2 SEVERABILITY

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

16.0 - EFFECTIVE DATE

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

17.0 - INSTALLATION/ BUILDING SEWERS-CONNECTIONS TO HOOSAC WATER QUALITY DISTRICT FACILITIES

17.1 COSTS AND EXPENSES

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Hoosac Water Quality District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

17.2 INSTALLATION STANDARDS

The size, slope, alignment, materials of construction of a building sewer, and 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. 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.

17.3 BUILDING SEWER PLACEMENT

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to

permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

17.4 PROHIBITIONS ON CONNECTIONS

No person shall make or permit connection of roof downspouts, exterior foundation drains, areaway drains, or other sources or surface runoff or ground water directly or indirectly to a public sanitary sewer, or interceptor sewer.

17.5 CONNECTIONS TO INTERCEPTOR

The connection of the building sewer into the interceptor shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the District, 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 Chief Operator before installation.

17.6 INSPECTION PRIOR TO CONNECTION

The applicant for the building sewer permit shall notify the Chief Operator when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of said Chief Operator or their representative.

18.0 - PRECEDENCE OF THIS ORDINANCE

The ordinance entitled "Ordinance Regulating the Discharge of Wastewater to Hoosac Water Quality District October 1983" and all amendments thereto to date are hereby repealed upon the effective date of this ordinance.

19.0 - USER AGREEMENTS

Nothing contained in these ordinances shall be construed as preventing or restricting agreements between the District and any user which permit wastewater of unusual strength or character to be accepted by the District on terms and conditions different from those contemplated by these ordinances, provided the User makes payment for such agreement to either the District or the municipality in which the User is situated. Any such agreement shall not violate applicable state and federal regulations, and shall not violate applicable local pretreatment standards or requirements.