

# Sewer Service Regulations

Revised & effective August 25, 2023

## 1. Regulations.

- a. **Adoption.** These residential Service Regulations are adopted, pursuant to the authority granted to BVU by Virginia Code §15.2-7207 (12), by the BVU Authority Board of Directors, effective July 1, 2019, and remain in force until repealed, replaced or amended by the Board.
- b. **Scope.** These Service Regulations apply to all persons who are users or are required to be users of BVU's Wastewater Treatment System.
- c. **Filing and Posting.** A copy of all Service Regulations, and the *BVU Authority Schedule of Rates and Charges* are available at the BVU Authority (BVU) main office at 15022 Lee Highway, Bristol, Virginia 24202 or at [www.bvua.com](http://www.bvua.com).
- d. **External Regulations.** BVU is regulated by the Virginia Department of Environmental Quality (DEQ) and subject to a permit issued jointly to the City of Bristol, TN and BVU by the Tennessee Department of Environment and Conservation (TDEC). In addition, BVU is subject to various Acts of the United States Government.
- e. **Revisions.** These Service Regulations may be revised, amended, supplemented, or otherwise changed from time to time, without notice. Such changes, when effective, shall have the same force as the present Service Regulations. These regulations are automatically amended to comply with any change of federal, Tennessee, or Virginia law.
- f. **Conflicts.** In the event of a conflict between provisions of the *BVU Authority Schedule of Rates and Charges* and any Service Regulations, the *BVU Authority Schedule of Rates and Charges* will apply. In the event of a conflict between provisions of a BVU regulation or rule and any state or federal law, the state or federal law will apply.

## 2. Generally.

- a. **Definitions.** The following words, terms and phrases, when used in these Rules, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
  - i. **Act or the Act** means the *Federal Water Pollution Control Act*, also known as the *Clean Water Act* (33 U.S.C. 1251, et seq.), as amended, repealed, reenacted, or recodified from time to time.
  - ii. **Approval authority** means the director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in non-NPDES state or NPDES state without an approved state pretreatment program.
  - iii. **Authorized representative of industrial user** may be a:
    1. Principal executive officer of at least the level of vice President if the industrial user is a corporation;
    2. General partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or
    3. Duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
  - iv. **Billing** means the amount owed by the Customer to BVU for services. Standard billing generally includes a Customer Charge, plus the effective rate multiplied by the usage, plus any additional Meter Service Charges and Sewer Surcharges. Any special commercial billing must be specified in the permit.
  - v. **Biochemical oxygen demand (BOD)** means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20 degrees Celsius expressed in terms of weight and concentration (milligrams per liter (mg/l)).
  - vi. **Board** means the BVU Authority Board of Directors as duly appointed under the BVU Authority Act.
  - vii. **Building code official** means the designated person of the city or county building code department.
  - viii. **Building sewer** means the sanitary drain system leading from a structure to BVU's Wastewater Treatment System, also known as a lateral.
  - ix. **Categorical standards** mean the National Categorical Pretreatment Standards or Pretreatment Standard.
  - x. **Chemical oxygen demand (COD)** means the measure of the oxygen equivalent of the organic matter of a sample susceptible to oxidation by the dichromate reflex method.
  - xi. **City** means the City of Bristol, Virginia.
  - xii. **Compatible pollutant** means BOD, suspended solids, oil and grease, pH, and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified by BVU you and controlled in BVU's NPDES permit for the jointly owned wastewater treatment plant where sewer works have been designed and used to reduce or remove such pollutants.
  - xiii. **Connection Fees/System Fees** means the amount a customer is charged to connect to the POTW. These rates are set by the Board and must be paid by the customer prior to connection. System fees are related to improvements required to allow a new customer to connect to the POTW or an existing customer to increase the flow into the

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- POTW beyond current system capacity or causes downstream capacity impacts that must be addressed prior to adding new flow. System fees will be prepared by BVU during the permit process.
- xiv. **Cooling water** means the water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.
  - xv. **Control authority** refers to the approval authority, or the BVU President if BVU has an approved pretreatment program under the provisions of 40 CFR 403.11.
  - xvi. **County** means the area of Washington County, Virginia served by BVU.
  - xvii. **Customer** means any individual, partnership, corporation, LLC, association, or group who receives sewer service from BVU under either an express or implied contract requiring payment to BVU for such service.
  - xviii. **Direct discharge** means the discharge of treated or untreated wastewater directly to surface streams flowing into the waters of the State of Tennessee or Commonwealth of Virginia.
  - xix. **Domestic wastewater** means wastewater that is generated by a single family, apartment or other dwelling unit or dwelling unit equivalent containing sanitary facilities for the disposal of wastewater.
  - xx. **Environmental Protection Agency (EPA)** means the U.S. Environmental Protection Agency, or where appropriate the term may also be used as designation for the administrator or other duly authorized official of such agency.
  - xxi. **Garbage** means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
  - xxii. **Grab Sample** means 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 without consideration of time.
  - xxiii. **Health Department** means the office(s) of the state department of health charged with jurisdiction over the localities in which BVU's Wastewater Treatment System functions.
  - xxiv. **Holding tank waste** means any waste from holding tanks, including but not limited to chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
  - xxv. **Incompatible pollutant** means any pollutant which is not a compatible pollutant.
  - xxvi. **Indirect discharge** means the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act (33 U.S.C. 1317), as amended, repealed, reenacted, or recodified from time to time, into the POTW (including holding tank waste discharged into the system).
  - xxvii. **Industrial user** means a source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to section 402 of the Act (33 U.S.C. 1342).
  - xxviii. **Interference** means the inhibition or disruption of the wastewater treatment process or operations which contributes to a violation of any of the requirements of BVU's NPDES permit.<sup>1</sup> The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act (33 U.S.C. 1345), as amended, repealed, reenacted, or recodified from time to time, or any criteria, guidelines, or regulations developed pursuant to the *Solid Waste Disposal Act* (SWDA), the *Clean Air Act*, the *Toxic Substances Control Act*, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to the methods of disposal or use employed by the municipal wastewater treatment system.
  - xxix. **Lateral** means that portion of the POTW from the user's building to the private building sewer cleanout at the property line or within a designated easement across the property where there is a sewer easement for BVU on the property.
  - xxx. **Local administrative officer** means the President of BVU Authority. The President may designate a person to serve in his absence when he is unable to perform his duties. Such instances shall include, but not be limited to, the President being ill or on vacation.
  - xxxi. **Local hearing authority** means the BVU Planning Committee.
  - xxxii. **Metering** generally means the data collected from the related water meter at the property. Under permit conditions, industrial customers using approved sewer flow meters will be billed based on actual sewage flow measured.

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<sup>1</sup> The permit issued in the name of Bristol, Tennessee is for the joint operation of the BVU Authority/Bristol, Tennessee POTW.

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- xxxiii. **National categorical pretreatment standard or pretreatment standard** means 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), as amended, repealed, reenacted, or recodified from time to time, which applies to a specific category of industrial users.
- xxxiv. **NPDES (National Pollutant Discharge Elimination System)** means the program for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into navigable water, the contiguous zone, and the oceans pursuant to section 402 of the *Federal Water Pollution Control Act* as amended, repealed, reenacted, or recodified from time to time.
- xxxv. **New source** means any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c) of the Act (33 U.S.C. 1317), as amended, repealed, reenacted, or recodified from time to time, of the categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the federal register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.
- xxxvi. **Person** means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other entity. The masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.
- xxxvii. **pH** means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- xxxviii. **Phenols** means the total of the phenolic chemical compounds as analyzed by the 4AAP Method and as defined in EPA Publication *Methods for Chemical Analysis of Water & Wastes*, EPA 600/4-29-020, March 1979.
- xxxix. **Planning Committee** means the standing Planning Committee of the BVU Authority Board of Directors.
- xl. **Pollutant** means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical substances, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
- xli. **Pollution** means the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- xl.ii. **POTW treatment plant** means that portion of the POTW designed to provide treatment to wastewater, which plan is owned jointly by BVU and Bristol Tennessee.
- xl.iii. **President** means the President of the BVU Authority authorized to supervise the operation of the publicly-owned treatment works and who is charged with certain duties and responsibilities by BVU Authority, or his duly authorized representative; the local administrative officer.
- xl.iv. **Pretreatment or treatment** means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes by other means, except as prohibited by 40 CFR 403.6(d).
- xl.v. **Pretreatment requirements** means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.
- xl.vi. **Publicly owned treatment works (POTW)** means a treatment works as defined by section 212 of the Act (33 U.S.C. 1292), as amended, repealed, reenacted, or recodified from time to time, which is owned in this instance in part by BVU individually and in part by BVU and the City of Bristol, Tennessee jointly. This definition includes any sewers that convey wastewater to the POTW treatment plant but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this Rules, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City of Bristol, Virginia who are, by contract or agreement with BVU, users of BVU's POTW.
- xl.vii. **Required to be user** means a person who is required to be attached to the POTW by these rules.
- xl.viii. **Significant industrial user** means:
1. Any discharger subject to national categorical pretreatment standards; or
  2. Any noncategorical discharger that:

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- a. Has a reasonable potential in the opinion of the control authority or the approval authority to adversely affect the POTW's operation;
  - b. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW's treatment plant; or
  - c. Discharges 25,000 gallons or more of process wastewater.
- xlix. **Slug** means any discharge of water, sewage, or industrial waste which, in rate of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour rate during normal operation; any discharge of water, sewage or industrial waste which in concentration of any given constituent exceeds, for any period of duration longer than 15 minutes, more than five times the average rate over 24 hours of concentrations of that constituent; any discharge of whatever duration that causes the sewer to overflow or back up in an objectionable way, or any discharge of whatever duration that interferes with the proper operation of the wastewater treatment facilities or pumping stations.
  - i. **Small industrial user** means any discharger who is not a significant industrial user and whose average daily discharge flow is 300 gallons or less and who can document the use of good management practice in the reduction of wastewater volume and strength.
  - ii. **Specifications** means the material and construction standards that must be met for new connections or repair and construction of existing laterals or other connections.
  - iii. **Standard Industrial Classification (SIC)** means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.
  - iiii. **State** means the Commonwealth of Virginia or the State of Tennessee.
  - lv. **Storm sewer or storm drain** means a pipe or conduit which carries stormwaters and surface waters and drainage but excludes sewage and industrial wastes; it may, however, carry cooling waters and unpolluted waters upon approval of the President.
  - lv. **Stormwater** means any flow occurring during or following any form of natural precipitation and resulting therefrom.
  - lvi. **Suspended solids** mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.
  - lvii. **Toxic pollutant** means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of section 307(a) of the Act or other Acts.
  - lviii. **Twenty-four-hour flow proportional composite sample** means a sample consisting of several sample portions collected during a 24-hour period in which the portions of a sample are proportioned to the flow and combined to form a representative sample.
  - lix. **Usage** for wastewater services means the amount of water metered at the property or the amount read from a sewer meter if separately installed under the terms of a permit. In the case of a meter or data failure, BVU shall use a reasonable calculation to estimate usage to include past billing and other relevant factors.
  - lx. **User** means any person who contributes, causes or permits the contribution of wastewater into BVU's POTW, and includes any person who is required to be connected to the POTW, and is not.
  - lxi. **Wastewater** means the liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.
  - lxii. **Wastewater treatment systems or facilities** means the same as POTW.
  - lxiii. **Waters of the state** means 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 state or any portion thereof.
- b. **Purpose and Policy.**
  - i. These Rules set forth uniform requirements for the disposal of wastewater in the service area of BVU's wastewater treatment system. The objectives of these Rules are to:
    - 1. Protect the public health;

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2. Provide problem free wastewater collection and treatment service;
  3. Prevent the introduction of pollutants into the wastewater treatment system, which will interfere with the system operation, will cause the POTW discharge to violate the National Pollutant Discharge Elimination System (NPDES) permit authorizing operation of BVU's jointly owned wastewater treatment plant or other applicable requirements of the states, or will cause physical damage to the wastewater treatment system facilities;
  4. Provide for full and equitable distribution of the cost of the wastewater treatment system;
  5. Enable BVU to comply with the provisions of the *Federal Clean Water Act*, the *General Pretreatment Regulations* (40 CFR 403), and other applicable federal and state laws and regulations;
  6. Improve the opportunity to recycle and reclaim wastewaters and sludge from the wastewater treatment systems.
- ii. In meeting these objectives, these Rules provide that all persons in the service area of BVU must have adequate wastewater treatment either in the form of a connection to the wastewater treatment system or, where the system is not available, to an appropriate private disposal system. These Rules also provide for the issuance of permits to system users; for the regulation of wastewater discharge volume and characteristics; for monitoring and enforcement activities; and for the setting of fees for the full and equitable distribution of costs resulting from the operation, maintenance, and capital recovery of the wastewater treatment system and from other activities required by the enforcement and administrative program established herein.
  - iii. These Rules shall apply to users in the City of Bristol, Virginia and to users outside the City who are, by agreement with BVU, users of BVU's POTW. These Rules also apply to those persons who are required herein to connect to the POTW, and or not. Except as otherwise provided herein, the BVU President and CEO administers, implements, and enforces the provisions of these Rules. Enforcement procedures shall be pursuant to regulations denoted *Enforcement Response Plan for Bristol, Tennessee, and Bristol, Virginia*, dated August, 1990, which were adopted by the City Council, before BVU became an Authority, and are hereby adopted by the BVU Authority Board of Directors. The Enforcement Response Plan may hereafter be amended by motion duly made, seconded and adopted by a majority of that board. A copy of the plan shall be made available to the public at the office of the President.
- c. **Validity.** These Rules and its provisions shall be valid for all service areas, regions and sewage works under the jurisdiction of BVU. For purposes of these rules, "in the City" shall be construed to mean any user connected to BVU's POTW, who is also a customer of BVU, whether a resident of the City or not based on the powers provided for in the BVU Authority Act.
  - d. **Falsifying information.** Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to these Rules, or BVU's wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Rules, shall be guilty of a class 1 misdemeanor pursuant to the city code for the City of Bristol, Virginia. If in the county, it shall be subject to enforcement by Washington County, Virginia and/or BVU.

## 3. Connection to Public Sewers.

- a. **Requirement for proper wastewater disposal.**
  - i. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within BVU's service territory, any human or animal excrement, garbage, or other objectionable waste.
  - ii. It shall be unlawful for any person to discharge to any waters of Commonwealth any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of these Rules.
  - iii. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage in BVU's sewer service territory.
  - iv. Except as provided in subsections (v) and (vi) of this section, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within BVU's sewer service territory and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer in BVU's sewer service territory, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Rules, within 90 days after date of official notice to do so, provided that such public sewer is

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within 200 feet of the property line, unless rock formation, topography or other cause make it impracticable in the opinion of the President.

- v. The owner of a manufacturing facility may directly discharge wastewater to the waters of the Commonwealth provided that he obtains a NPDES permit and meets all requirements of the *Federal Clean Water Act*, the NPDES permit, and any other applicable local, state, or federal statutes and regulations.
- vi. Where a public sanitary sewer is not available under the provisions of subsection (vi) of this section, the building sewer shall be connected to a private sewage disposal system complying with the provisions of sections 4.a and 4.b.
- vii. Commencing July 1, 2006, all new private sewer service lines shall be equipped with a back flow prevention device before a property owner may tap the sewer line serving said property. After said date, any replacement sewer service line shall be similarly equipped before it is put in service. Said back flow prevention device shall be of such specification as to prevent backflow from the main sewer lines from back flowing into the property or improvements being served by the sewer system under any circumstance.
- viii. All usage will be billed for wastewater discharge based on the amount of water metered at the property. Residential customers with landscape irrigation systems may install and maintain a flow meter, acceptable to BVU, at each physical connection to the public sewer. Non-residential customers requesting separately-metered sewer usage will be required to install and maintain a flow meter, acceptable to BVU, at each physical connection to the public sewer. All such customers will be billed for wastewater discharge based on the sewer flow meter usage data. Appropriate meter charges will apply in accordance with the BVU Authority Schedule of Rates and Charges.
- ix. Customers engaging in swimming pool filling will be invoiced the standard sewer charge at the time of water utilization from BVU Authority's distribution system, considering the future disposal upon drainage into the sanitary sewer system. BVU Authority takes this opportunity to emphasize its stance against the discharge of treated water into local stormwater management systems, directing inquiries regarding stormwater disposal to the relevant local authority. In the event of pool water drainage outside the BVU Authority's sanitary sewer system, eligible customers may seek a once-annual sewer adjustment credit. Those seeking the credit should liaise with the Customer Service department for comprehensive program details and instructions on the application process. The sewer adjustment credit program aims to provide a fair avenue for customers who opt for chlorinated water disposal outside the established sanitary sewer framework. Program specifics, eligibility criteria, and the application procedure will be communicated via official channels managed by the Customer Service department. BVU Authority maintains the authority to periodically review and adapt this process in alignment with evolving industry standards and best practices.

## b. Physical connection to the public sewer.

- i. No unauthorized person shall open any manhole, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without obtaining a written permit from the President as required by section 6.a and 6.b.
- ii. All costs and expenses incident to the installation, connection, improvement, capacity upgrade, and inspection of building sewer shall be borne by the owner (Connection Fees/ System Fees). The owner shall indemnify BVU from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- iii. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no lateral is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the lateral from the front building may be extended to the rear building and the whole considered as one lateral. Every lateral shall have a clean out at the property line for maintenance and for inspection purposes. Every lateral shall have a backflow control valve installed as part of the lateral near the point where the lateral leaves the building structure and immediately upstream of the first cleanout.

## c. Inspection of connections.

- i. The lateral from the building to the property line cleanout shall be inspected and subject to testing by the building code official or his authorized representative and a BVU representative before the underground portion is covered.
- ii. The applicant for discharge shall notify the building code official when the lateral and connection are ready for inspection.



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- d. **Maintenance of building sewers.** Each individual property owner or user of the POTW shall be entirely responsible for the maintenance of the lateral located on private property or otherwise privately owned. This maintenance shall include repair or replacement of the service line, cleanout and backflow control valve as deemed necessary by the President to meet specifications of BVU and Commonwealth.

## 4. Private Domestic Wastewater Disposal.

- a. **Availability of public sewer.**
  - i. Where a public sanitary sewer is not available under the provisions of Sec. 3.a (i), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.
  - ii. The owner shall provide a private sewage pumping station in accordance with Sec. 3.b for any residence, office, recreational facility or other establishment used for human occupancy where the building sewer is below the elevation necessary to obtain a grade for gravity flow as set by the Uniform Statewide Building Code, where such building sewer is otherwise accessible to the public sewer in accordance with section 2.1.
  - iii. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 3.b, a direct connection shall be made to the public sewer in compliance with this division. Any septic tanks, cesspools and similar private sewage disposal system shall be cleaned of sludge, and filled with the clean bank-run gravel or dirt within 60 days of notification to do so by BVU.
- b. **Requirements for private wastewater disposal.**
  - i. A private domestic wastewater disposal system may not be constructed within BVU's sewer service territory unless and until a certificate is obtained from the President stating that a public sewer is not accessible to the property. No certificate shall be issued for any private domestic wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that specified by the Health Department.
  - ii. Before commencement of construction of a subsurface soil absorption facility, the owner shall first obtain written permission from the Health Department. The owner shall supply any plans, specifications, and other information deemed necessary by the Health Department.
  - iii. A subsurface soil absorption facility shall not be placed in operation until the installation is completed to the satisfaction of the Health Department. The department shall be allowed to inspect the work at any stage of construction and the owner shall notify the Health Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within a reasonable period of time after the receipt of notice by the Health Department.
  - iv. The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
  - v. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to BVU, except where maintenance by the BVU is expressly approved by regulation, or contract.
  - vi. No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the Health Department.

## 5. Holding-Tank Waste Disposal.

- a. **Permit required.** No person shall clean out, drain, or flush any septic tank or any other type of wastewater or excreta disposal system, unless such person obtains a permit from the President to perform such acts or services. Any person desiring a permit to perform such services shall file an application on the prescribed form. Such permit shall be issued by the President when the conditions of the ordinance have been met and the President is satisfied the applicant has adequate and proper equipment to perform the services contemplated in a safe and competent manner.
- b. **Permit fees.** For each permit issued under the provisions of section 5.a, an annual service charge therefor shall be paid as set pursuant to Exhibit A to these Rules. Any such permit granted shall be for one full fiscal year or fraction of the fiscal year. The permit shall continue in full force and effect from the time issued until the end of the fiscal year, unless sooner revoked, and shall be nontransferable. The number of the permit granted under this division shall be plainly painted on each side of the tank used in the conduct of the business permitted hereunder.

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- c. **Designated disposal locations.** The President shall designate approved locations for the emptying and cleansing of all equipment used in the performance of the services rendered under the permit herein provided for. It shall be a violation thereof for any person to clean such equipment at any place other than a place so designated.
- d. **Revocation of permit.** Failure to comply with all of the provisions of these Rules shall be sufficient cause for the revocation of such permit by the President at that. The possession in BVU's sewer service area by any person of any motor vehicle equipped with a body type and accessories of a nature and design capable of servicing a wastewater septic tank of wastewater or excreta disposal system cleaning unit shall be prima facie evidence that such person is engaged in the business of cleaning, draining, or flushing septic tanks or other wastewater or excreta disposal systems within the BVU service area.

## 6. Applications for Domestic Wastewater Discharge and Industrial Wastewater Discharge Permits.

- a. **Compliance required.** Compliance with section 3.b shall constitute authority to discharge domestic wastewater.
- b. **General requirements.** All industrial users proposing to connect to or contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing industrial users connected to or contributing to the POTW who do not have said permit shall obtain a wastewater discharge permit within 180 days after the effective date of these Rules.
- c. **Applications.** Applications for wastewater discharge permits shall be required as follows:
  - i. Users required to obtain a wastewater discharge permit shall complete and file with the President an application in the form prescribed by the President, and accompanied by the appropriate fee. Existing users shall apply for a wastewater discharge permit within 60 days after the effective date of these Rules, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW.
  - ii. The applications shall include, but not be limited to the following information: name, address, and SIC number of applicant, wastewater constituents and characteristics; discharge variations including daily, monthly, seasonal and 30 minute peaks; a description of all toxic materials handled on the premises; site plans, floor plans, mechanical and plumbing plans and details showing all sewers and appurtenances by size, location and elevation; a description of existing and proposed pretreatment and/or equalization facilities and any other information deemed necessary by the President.
  - iii. Any user who elects or is required to construct new or additional facilities for pretreatment shall as part of the application for wastewater discharge permit submit plans, specifications, and other pertinent information relative to the proposed construction to the President for approval. Plans and specifications submitted for approval must bear the seal of a professional engineer registered to practice engineering in the state. A wastewater discharge permit shall not be issued until such plans and specifications are approved. Approval of such plans and specifications shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to BVU under the provisions of these Rules.
  - iv. If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the application shall include the 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. For the purpose of this subsection, "pretreatment standard" shall include either a national pretreatment standard or a pretreatment standard imposed by section 7.a.
  - v. The following conditions shall apply to the schedule required by subsection (iv) of this section and section 9.b:
    - 1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No increment of progress shall exceed nine months.
    - 2. Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the President including, at a minimum, whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the President.



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- vi. BVU will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, leaving you may issue a wastewater discharge permit subject to terms and conditions provided herein.
  - vii. The receipt by BVU of a prospective customer's application for a wastewater discharge permit shall not obligate BVU to render the wastewater collection and treatment service. If the service applied for cannot be supplied in accordance with these Rules and general practice, the application shall be rejected and there shall be no liability of BVU to the applicant for such service.
  - viii. The President will act only on applications containing all the information required in this division. Persons who have filed incomplete application will be notified by the President of the nature of such deficiency and will be given 30 days to correct the deficiency. If the deficiency is not corrected within 30 days or within such extended period as allowed by the President, the President shall deny the application and notify the applicant in writing of such action.
- d. **Permit conditions.** Wastewater discharge permits shall be expressly subject to all provisions of this Rules and all other applicable regulations, user charges and fees established by BVU. Permits shall contain such of the following as determined to be appropriate by BVU:
- i. The unit charge or schedule of user's charges and fees for the wastewater to be discharged to a community sewer;
  - ii. Limits on the average and maximum wastewater constituents and characteristics;
  - iii. Limits on average and maximum rate and time of discharge or requirements for equalization;
  - iv. Requirements for installation and maintenance of inspections and sampling facilities;
  - v. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
  - vi. Compliance schedules;
  - vii. Requirements for submission of technical reports or discharge monitoring reports;
  - viii. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by BVU and affording BVU access thereto;
  - ix. Requirements for notification to BVU of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
  - x. Notification requirements for slug discharges, including any discharge that would violate a prohibition under section 7.a;
  - xi. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;
  - xii. Statement of duration (in no case more than five years);
  - xiii. Statement of nontransferrability without, at a minimum, prior notification to the POTW; and/or
  - xiv. Other conditions as deemed appropriate by BVU to ensure compliance with this Rules; including but not limited to pretreatment programs as required by BVU.
- e. **Permit modifications.** Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users, subject to such standards, shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user with an existing wastewater discharge permit shall submit to the President within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by section 6.c (ii) and (iii). The terms and conditions of the permit may be subject to modification by the President during the term of the permit as limitations or requirements are modified or their just cause exists. The user shall be informed of any proposed changes in this permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- f. **Permits duration.** Permits shall be issued under this division for a specified time period, not to exceed five years. A permit may be issued for a period of less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance not less than 180 days prior to the expiration of the user's existing permit.
- g. **Permit transfer.** A wastewater discharge permit shall not be reassigned or transferred or sold to be used that a different premises, or a new or changed operation without the approval of BVU. Any succeeding owner of the premises to which

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the discharge permit has been issued shall be considered responsible for compliance with the terms and conditions of the existing permit and shall notify the President within 60 days that such permit transfer has occurred. Such permit transfer will not be unduly withheld.

- h. **Revocation of permit.** Any permit issued under the provisions of this division is subject to being modified, suspended, or revoked in whole or in part during its term for cause, including, but not limited to, the following:
  - i. Violation of any terms or conditions of the wastewater discharge permit or other applicable federal, state, or local law or regulation.
  - ii. Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.
  - iii. A change in the industry's discharge resulting in a violation of these Rules that requires either a temporary or permanent reduction or elimination of the permitted discharge to protect the POTW.
  - iv. Intentional failure of a user to accurately report the discharge constituents and characteristics or to report significant changes in plant operations or wastewater characteristics.
- i. **Review of permit by user.** The proposed permit shall be made available to the user 30 days before its effective date to provide a comment period on the permit conditions. Comments should be received by the President no less than one week before the effective date of the permit. If no request for a change in the proposed permit has been presented to the President by the effective date of the permit, the permit shall be deemed irrefutably acceptable to the user.
- j. **Confidential information.**
  - i. All information and data on a user obtained from reports, questionnaire permit application, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests the contrary and is able to demonstrate to the satisfaction of the President that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.
  - ii. When requested by the person furnishing the report, 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 to governmental agencies for use related to the Rules or the BVU's or user's NPDES permit. Provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
  - iii. Information accepted by the President as confidential shall not be transmitted to any governmental agency or to the general public by President until and unless prior and adequate notification is given to the user. BVU Authority is a political subdivision of the Commonwealth of Virginia and therefore subject to the *Virginia Freedom of Information Act*.

## 7. Discharge Regulations.

- a. **General discharge prohibitions.**
  - i. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation and performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:
    - 1. Any liquids, solids, or gases which by reason of their nature or quantity may be sufficient, either alone or by interaction with other substances, to cause fire or explosion to be injurious in any other way to the POTW or to the operation of the POTW. No two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) shall be more than five percent, nor shall any single reading be over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromate, carbides, hydrides, and sulfides and other substances which the board, BVU, the state, or EPA has notified the user is a fire hazard or a hazard to the system.
    - 2. Solid or viscous substances of a kind or in a quantity of which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: solid organic material, milk or milk products, grease, garbage with greater than one-half inch

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in any dimension, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass, clippings, rags, spent grains, spent hops, waste paper, wood, plastic, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

3. Any wastewater having a pH less than 5.0 or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
  4. Any wastewater containing any toxic pollutants, chemical elements, or compounds in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the Act.
  5. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
  6. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act; 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.
  7. Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.
  8. Any wastewater causing discoloration of the wastewater treatment plant effluent to the extent that the receiving stream water quality requirements would be violated, such as, but not limited to, dye wastes and vegetable tanning solutions.
  9. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference or damage to the collection system, but in no case wastewater with a temperature at the point of introduction into the POTW which exceeds 60 degrees Celsius (140 degrees Fahrenheit).
  10. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference to the POTW.
  11. Any waters or wastes causing an unusual volume of flow or concentration of waste constituting sludge.
  12. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the President in compliance with applicable state and federal regulations.
  13. Any wastewater which causes a hazard to human life or creates a public nuisance.
  14. Any trucked or hauled pollutants, except at discharged points designated by the POTWs in accordance with sections 90-126 through 90-129.
  15. Any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the President and the state. Industrial cooling water or unpolluted process waters may be discharged on approval of the President and the state, to a storm sewer or natural outlet.
  16. It shall be unlawful to discharge into the BVU sewer system water other than from a metered water supply without written permission from BVU.
- ii. A user, except a small industrial user where explicitly noted and whose permit is issued subject to section 7.f, may not contribute the following substances to the POTW:
1. Any wastewater having a pH higher than 10.0, or greater as permitted for small industrial users, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

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2. Any waters or wastes containing animal based fats, wax, grease, or oil, whether emulsified or not, in excess of a daily average of 375 mg/l, or greater as permitted for small industrial users, or containing substances which may solidify or become viscous at temperature between 32 and 140 degrees Fahrenheit (zero and 60 degrees Celsius).
  3. Any wastewaters containing mineral based oils in excess of 100 mg/l, or greater as permitted for small industrial users.
  4. Any wastewaters containing biochemical oxygen demand concentration in excess of 2,800 mg/l, or greater as permitted for small industrial users, in a 24-hour composite sample.
  5. Any wastewaters containing total suspended solids concentration in excess of 2,800 mg/l, or greater as permitted for small industrial users, in a 24-hour composite sample.
- b. **Restrictions on wastewater strength.** No person shall discharge wastewater which exceeds the following set of standards (Table A. User discharge restrictions) unless an exception is permitted as provided in this Rules. Dilution of any wastewater discharge for the purpose of satisfying these requirements shall be considered in violation of these Rules.

**Table A. User discharge restrictions**

Pollutant	Instantaneous Maximum Concentration (mg/l)*
Arsenic	0.50
Cadmium	0.29
Chromium (total)	16.8
Copper	9.4
Cyanide	2.61
Lead	3.0
Mercury	0.008
Molybdenum	0.86
Nickel	3.44
Phenols (total, by 4AAP Method)	7.50
Phthalates (total)	5.60
Selenium	1.15
Silver	0.45
Zinc	11.4
Ethylbenzene	1.59
Toluene	1.35
1, 2 trans Dichloroethylene	0.27
Naphthalene	0.27

*\*Based on a single grab sample at any time.*

- c. **Protection of treatment plant influent.** The President shall monitor the treatment works influent for each parameter in the following table (Table B. Plant protection criteria). Industrial users shall be subject to reporting and monitoring requirements regarding these parameters as set forth in these Rules. If the influent at the POTW reaches or exceeds 80 percent of the levels established by this table, the President shall initiate technical studies to determine the cause of the influent violation and shall recommend to the Board the necessary remedial measures, including, but not limited to, recommending the establishment of new or revised pretreatment levels for these parameters. The President shall also recommend changes to any of these criteria if the POTW effluent standards are changed, there are changes in any applicable law or regulation affecting same, or changes are needed for more effective operation of the POTW.

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**Table B. Plant protection criteria**

Parameter	Maximum Concentration (mg/l) (24-Hour Flow) (Proportional Composite Sample)	Maximum Instantaneous Concentration (mg/l) (Grab Sample)
Arsenic (As)	0.017	0.034
Cadmium (Cd)	0.010	0.020
Chromium, total (Cr)	0.667	1.334
Copper (Cu)	0.326	0.652
Cyanide (CN)**	0.087	0.174
Lead (Pb)	0.094	0.188
Mercury (Hg)	0.0002	0.0002
Molybdenum	0.029	0.058
Nickel (Ni)	0.115	0.23
Phenols (total)**	0.250	0.50
Phthalates (total)**	0.170	0.34
Selenium	0.038	0.076
Silver (Ag)	0.015	0.03
Toluene**	0.047	0.094
Zinc (Zn)	0.653	1.306
Benzene**	0.015	0.03
1, 1, 1 Trichloroethane**	0.200	0.400
Ethylbenzene**	0.029	0.058
Carbon Tetrachloride**	0.750	1.50
Chloroform**	0.258	0.516
Tetrachloroethylene**	0.125	0.250
Trichloroethylene**	0.091	0.182
1, 2 trans Dichloroethylene**	0.005	0.010
Methylene Chloride**	0.132	0.264
Naphthalene**	0.005	0.010
COD	*	*
BOD	*	*
TSS	*	*

\*Not to exceed the design capacity of treatment works.

\*\*For these parameters a minimum of four grab samples must be used in lieu of a flow proportional composite sample.

- d. **Federal categorical pretreatment standards.** Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under these Rules for sources in that subcategory, shall immediately supersede the limitations imposed under these Rules. The President shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.
- e. **Right to establish more restrictive criteria.** No statement in these Rules is intended or may be construed to prohibit the President from establishing specific wastewater discharge criteria more restrictive where wastes are determined to be harmful or destructive to the facilities of the POTW or to create a public nuisance, or to cause the discharge of the POTW

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to violate effluent or stream quality standards, or to interfere with the use or handling of sludge, or to pass through the POTW resulting in a violation of the NPDES permit, or to exceed industrial pretreatment standards for discharge to municipal wastewater treatment systems as imposed or as may be imposed by the state and/or the United States Environmental Protection Agency.

- f. **Special agreements.** Nothing in this section shall be construed so as to prevent any special agreement or arrangement between BVU and any user of the wastewater treatment system whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable. The making of such special agreements or arrangements between BVU and the user shall be strictly limited to the capability of the POTW to handle such wastes without interfering with unit operations or sludge use and handling or allowing the pass through of pollutants which would result in a violation of the NPDES permit. No special agreement or arrangement may be made without documentation by the industry of the use of good management practice in the reduction of wastewater volume and strength.
- g. **Exceptions to discharge criteria.**
  - i. **Application for exception.** Nonresidential users of the POTW may apply for a temporary exception to the prohibited and restricted wastewater discharge criteria listed in sections 7.a and 7.b. Exceptions can be granted according to the following guidelines:
    - 1. The President shall allow applications for temporary exceptions at any time. However, the President shall not accept an application if the applicant has submitted the same or substantially similar application within the preceding year and the same has been denied by BVU.
    - 2. All applications for an exception shall be in writing, and shall contain sufficient information for evaluation of each of the factors to be considered by the President in his review of the application. Any appeals shall be presented to the Planning Committee. The decision by the Planning Committee shall be considered final.
  - ii. **Conditions.** The following exceptions granted under this subsection shall be temporary and subject to revocation at any time by the President upon reasonable notice:
    - 1. The user requesting the exception must demonstrate to the President that he is making a concentrated and serious effort to maintain high standards of operation control and housekeeping levels, etc., so that discharges to the POTW are being minimized. If negligence is found, permits will be subject to termination. The user requesting the exception must demonstrate that compliance with stated concentration and quantity standards is technically or economically infeasible and the discharge, if accepted, will not:
      - a. Interfere with the normal collection and operation of the wastewater treatment system;
      - b. Limit the sludge management alternatives available and increase the cost of providing adequate sludge management; or
      - c. Pass through the POTW in quantities and/or concentrations that would cause the POTW to violate its NPDES permit.
    - 2. The user must show that the exception, if granted, will not cause the discharger to violate its in-force federal pretreatment standards unless the exception is granted under the provisions of the applicable pretreatment regulations.
    - 3. A surcharge shall be applied to any exception granted under this section. These surcharges shall be applied for that concentration of the pollutant for which the variance has been granted in excess of the concentration stipulated in this Rules based on the average daily flow of the user.
  - iii. **Review of application by the President.** All applications for an exception shall be reviewed by the President. If the application does not contain sufficient information for complete evaluation, the President shall notify the applicant of the deficiencies and request additional information. The applicant shall have 30 days following notification by the President to correct such deficiencies and 30 more days if approval is requested from the state. This 30-day period may be extended by the Planning Committee upon application and for just cause shown. Upon receipt of a complete application, the President shall evaluate same within 30 days and shall submit his recommendation to the Planning Committee at its next scheduled meeting.
  - iv. **Review and application by the Planning Committee.** The Planning Committee shall review and evaluate all applications for exceptions and shall take into account the following factors:



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1. Whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in sections 7.a, 7.b and 7.c and grant an exception only if such exception may be granted within limitations of applicable federal regulations;
  2. Whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of section 307(a) of the Act (33 U.S.C. 1317), as amended, repealed, reenacted, or recodified from time to time, and then grant an exception only if such exception may be granted within the limitations of applicable federal regulations;
  3. Whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works taking into consideration the concentration of such pollutant in the treatment works' influent and the design capability of the treatment works;
  4. The cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive costs alone shall not be the basis for granting an exception;
  5. The age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge;
  6. The process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge;
  7. The engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.
- h. **Accidental discharges.**
- i. ***Protection from accidental discharge.*** All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW or waste regulated by these Rules such as from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this division. The wastewater discharge permit of any user who has a history of significant leaks, spills or other accidental discharge of waste regulated by these Rules shall be subject on a case-by-case basis to a special permit condition or requirement for the construction of facilities and/or establishment of procedures which will prevent or minimize the potential for such accidental discharges. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing the facilities and operating procedures shall be submitted to the President before the facility is constructed. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility to provide the protection necessary to meet the requirements of these Rules.
  - ii. ***Notification of accidental discharge.*** Any person causing or suffering from any accidental discharge shall immediately notify the President by telephone to enable countermeasures to be taken by the President to minimize damage to the POTW, the health and welfare of the public, and the environment. This notification shall be followed, within five days of the date of occurrence, by a detailed written statement to the President describing the cause of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve the user of liability for any expense loss, or damage to the POTW, for fish kills, or to any other person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Rules or state or federal law.
  - iii. ***Notice to employees.*** 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 dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.
  - iv. ***Slug control plan.*** At least once every two years, the POTW shall evaluate whether each significant industrial user needs a plan to control accidental or slug discharges. The results of such activities shall be available to the approval authority upon request. If the POTW decides that an accident or slug control plan is needed, the plan shall contain, at a minimum, the following elements:
    1. Description of discharge practices, including non-routine batch discharges;
    2. Description of stored chemicals;

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3. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under section 7.a, with procedures for follow-up written notification within five days;
4. Any necessary procedures to prevent accidental spills, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, and worker training;
5. Any necessary measure for building containment structures or equipment;
6. Any additional measures necessary for containing toxic organic pollutants (including solvents);
7. Any necessary procedures and equipment for emergency response;
8. Any necessary follow-up practices to limit the damage suffered by the treatment plant or the environment.

## 8. Industrial User Monitoring, Inspection Reports, Records Access and Safety.

- a. **Monitoring facilities.** If monitoring of any industrial user's discharge is determined to be necessary by BVU, BVU will place appropriate monitoring devices to monitor that user's discharge, operate the same for such time as it in its sole discretion deems necessary, and use the result of such monitoring for whatever regulation and enforcement efforts are deemed appropriate by the President. BVU shall bill to and the industrial user shall pay for all charges and expenses for the acquisition, placement and monitoring of such monitoring facilities if the industrial user is determined by such monitoring to be in violation of any provision of this Rules. If the industrial user is not in violation, such monitoring shall be at the sole cost of BVU.
- b. **Inspection and sampling.** BVU shall inspect the facilities of any user to ascertain whether the purposes of these Rules are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow BVU ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. BVU, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from BVU, approval authority and EPA will be permitted to enter, without delay, for the purpose of performing their specific responsibility. The President shall have no authority to inquire into any manufacturing process beyond that point having a direct bearing on the level and sources of discharge to the sewers, waterways, or facilities for waste treatment.
- c. **Compliance date report.** Within 90 days following the date for final compliance with applicable pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the President a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional, in accordance with 40 CFR 403.12(b)(6) and (1).
- d. **Periodic compliance reports.**
  - i. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or in the case of a new source, after commencement of the discharge into the POTW, shall submit to the President during the months of January and July, unless required more frequently in the pretreatment standard or by the President, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the President and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the President may agree to alter the months during which the above reports are to be submitted.
  - ii. The President may impose mass limitations on users where the imposition of mass limitations is appropriate. In such cases, the report required by subsection (i) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

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- iii. The reports required by this section shall include certification requirements, per 40 CFR 403.12(1) and contain the results of sampling and analysis of the discharge, including the flow and the nature and concentrations, or production and mass where requested by the President, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the wastewater discharge permit or the pretreatment standard. All analyses shall be performed in accordance with procedures established by the administrator pursuant to section 304(g) of the Act and contained in 40 CFR 136 and amendments thereto. Sampling shall be performed in accordance with the techniques proposed for 40 CFR 136. Analysis of these samples shall be conducted by an independent laboratory approved by the President or by on-premises analysis for industrial users who can satisfactorily demonstrate such capabilities to the President.
- e. **Maintenance of records.**
  - i. Any industrial user subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:
    - 1. A chain of custody form acceptable to BVU which includes the date, exact place, method, time of sampling, the names of the persons taking the samples, and a record of handling up to and including delivery to and receipt by an analytical laboratory;
    - 2. The dates analyses were performed;
    - 3. Who performed the analyses;
    - 4. The analytical techniques/methods used; and
    - 5. The results of such analyses.
  - ii. Any industrial user subject to the reporting requirements established in this division shall be required to maintain for a minimum of three years all records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the President, Commonwealth or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the President, the approval authority or the Environmental Protection Agency.
- f. **Safety.** While performing the necessary work on private properties, duly authorized employees of BVU shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to BVU employees and the BVU shall indemnify the company against loss or damage to its property by employees of the BVU or its agents and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the monitoring and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

## 9. Enforcement and Abatement.

- a. **Complaints and orders.** Whenever the President has reason to believe that a violation of these Rules, including without limitation, any provision of BVU's pretreatment program, or of BVU orders issued pursuant to these Rules and that program has occurred, is occurring, or is about to occur, President may cause a written complaint to be served upon the alleged violator or violators. (In the case of industrial users, the President shall proceed in accordance with BVU's Enforcement Response Plan.) The complaint shall specify the provision or provisions of these Rules or order alleged to be violated or about to be violated, the facts alleged to constitute a violation thereof, may order that necessary corrective action be taken within a reasonable time to be prescribed in such order. One or more of the following orders may be issued for a given violation:
  - i. **Cease and desist order.** When the President finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of these Rules, or the provisions of a wastewater discharge permit, the President may issue an order to cease and desist, and direct that such persons not complying with such prohibitions, limits, requirements, or provisions to:
    - 1. Immediately halt illegal or unauthorized discharges;
    - 2. Surrender his user's permit if ordered to do so after a show cause hearing if applicable.
    - 3. Repair or replace those portions of user's sewer facilities that are in violation of these Rules.
  - ii. **Compliance order.** The President may issue an order to a noncompliant industrial user to achieve or restore compliance with their permit by a date specified in the order. The compliance order may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including, but

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not limited to, the installation and proper operation of pretreatment technology, additional self-monitoring, and management practices. The President may issue a compliance order to a noncompliant business or residential user to achieve or restore compliance with these Rules, setting the specific action to be taken and time limits for achievement of compliance.

iii. **Consent order.** The President is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order.

iv. **Show cause order.**

1. The President may order any user who violates these Rules, including a user who causes or allows an unauthorized discharge to enter the POTW to show cause before the President why the proposed enforcement should not be taken, including imposition of a civil fine as provided for in these Rules. A notice shall be served on the user specifying the time and place of a hearing to be held by the President regarding the violation, the reasons why the action is being taken, the proposed enforcement action, and directing the user to show cause before the President why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 15 days before the hearing.
2. The President may conduct the hearing and take the evidence, or in the case of a pretreatment violation may designate the wastewater treatment plant supervisor or pretreatment coordinator to:
  - a. Issue in the name of BVU notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
  - b. Take the evidence;
  - c. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the President for action thereon.
3. At any hearing held pursuant to these Rules, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of a charge set by the President to cover the costs of preparation.
4. After the President has reviewed the evidence, he may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service and water service be discontinued unless the noncompliance is remedied, including in the case of an industrial user subject to pretreatment requirements, that user shall provide adequate treatment facilities, devices, or other related appurtenances shall have been installed on existing treatment facilities, and that these devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

Failure of the President to issue any order to the violating user shall not in any way relieve the user from any consequences of an act or omission that is noncompliant with these Rules, including, without limitation, wrongful or illegal discharge. Any non-pretreatment order shall become final and not subject to review unless the user requests by written petition a hearing before the Planning Committee no later than 30 days after the date such orders served. Any order regarding noncompliance with pretreatment requirements shall become final and not subject to review unless the person or persons named therein request by written petition a hearing before the local hearing authority as provided in section 9.c no later than 30 days after the date such order is served; provided, however, that the Planning Committee may review such final order on the same grounds upon which a court of the state may review default judgments.

- b. **Submission of time schedule.** When the President finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in these Rules, or of wastewater source control requirements, effluent limitations of pretreatment standards, or the provisions of a wastewater discharge permit, or any other requirements of these Rules, the President may require the user to submit for approval, with such modifications as he deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of these Rules. Such schedule shall be submitted to the President within 30 days of the issuance of any order and shall comply with section 6.c (v). Nothing herein shall require the President such time schedule and plan where the President is able to include in his order a reasonable time to accomplish the work necessary for compliance.

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c. **Pretreatment enforcement hearings and appeals.**

- i. The Planning Committee shall have and exercise the power, duty, and responsibility to hear appeals from orders issued and penalties or damages assessed by the President, or permit revocations or modifications by him; and affirm, modify, or revoke such actions or orders of the President. Any hearing or rehearing brought before the Planning Committee shall be conducted in accordance with the following:

1. Upon receipt of a written petition from the alleged violator pursuant to this section, the President shall give the petitioner 30 days' written notice of the time and place of the hearing, but in no case shall such hearing be held more than 60 days from the receipt of the written petition, unless the President and the petitioner agree to a postponement;
2. The hearing provided may be conducted by the Planning Committee at a regular or special meeting. A quorum of the planning committee must be present at the regular or special meeting in order to conduct the hearing herein provided;
3. A verbatim record of the proceedings of such hearings shall be taken and filed with Planning Committee, together with the findings of fact and conclusions of law made pursuant to subdivision (f) of this subsection. The transcript so recorded shall be made available to the petitioner or any party to a hearing upon payment of a charge set by the President to cover the costs of preparation;
4. In connection with the hearing, the chairman shall issue subpoenas in response to any reasonable request by any party to the hearing requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, the Bristol Virginia Circuit Court shall have jurisdiction upon the application of the Planning Committee Chairman to issue an order requiring such person to appear and testify or produce evidence as the case may require and any failure to obey such order of the court may be punished by such court as contempt thereof;
5. Any member of Planning Committee may administer oaths and examine witnesses;
6. On the basis of the evidence produced at the hearing, the Planning Committee shall make findings of fact and conclusions of law and enter such decisions and orders as in its opinion will best further the purposes of the pretreatment program and shall give written notice of such decisions and orders to the alleged violator. The order issued under this subsection shall be issued no later than 30 days following the close of the hearing by the person or persons designated by the chairman;
7. The decision of the planning committee shall become final and binding on all parties unless appealed to the courts as provided in subsection (ii) of this section; and
8. Any person to whom an emergency order is directed pursuant to section 8.5 90-200 shall comply therewith immediately but on petition to the Planning Committee shall be afforded a hearing as soon as possible, but in no case shall such hearing be held later than three days from the receipt of such petition by the Planning Committee.

- ii. An appeal may be taken from any final order or other final determination of the Planning Committee by any party, including the pretreatment agency, who is or may be adversely affected thereby, to the appropriate court within 60 days from the date such order or determination is made.

- d. **Legal action.** If any person discharges sewage, industrial wastes, or other wastes into the BVU's wastewater disposal system contrary to the provisions of these Rules, federal or state pretreatment requirements, or contrary to any other requirements of these rules or any order of the BVU, the BVU may commence an action for appropriate legal and/or equitable relief in a court of competent jurisdiction.

- e. **Emergency termination of sewer service.** Upon an actual or threatened discharge to the POTW of any pollutant which in the opinion of the President presents or may present an imminent and substantial endangerment to the health or welfare of persons, or cause interference with POTW, the President, or in his absence, the person then in charge of the treatment works shall immediately notify the Chairman of the Board replied all. Reply to all. Reply to all of the nature of the emergency. The President shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned official of the board or in his absence such officials of the board as may be available, the President shall temporarily terminate the sewer service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the President as soon as the emergency situation has been abated or corrected.

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- f. **Termination of water service for noncompliance with certain sections.** As an additional method of enforcing the provisions of these Rules, BVU shall have the right to discontinue water service to any water customer of BVU who is in violation; provided, however, that before discontinuance of water services, BVU shall give such person ten days' notice that water service will be discontinued; and provided further, that water service shall be resumed upon a satisfactory showing being made to BVU that arrangements have been made for compliance with the provisions of such sections.
- g. **Public nuisance.** Discharges of wastewater in any manner in violation of these Rules or of any order issued by the President as authorized by these Rules is hereby declared a public nuisance and shall be corrected or abated as directed by the President. Any person creating a public nuisance shall be subject to the provisions of the City or County codes or ordinances governing such nuisances.
- h. **Correction of violation and collection of costs.** In order to enforce the provisions of this Rules, the President may correct any violation hereof. The cost of such correction shall be added to any sewer service charge payable by the person violating the Rules or the owner or tenant of the property upon which the violation occurred, and BVU shall have such remedies for the collection of such costs as it has for the collection of sewer charges.
- i. **Damage to facilities.** When a discharge of wastes causes an obstruction, damage, or any other physical or operational impairment to the POTW, the President shall assess a charge against the user for the work required to clean or repair the POTW and add such charge to the user's sewer service charge.
- j. **Civil liabilities.**
  - i. Any person or user who intentionally or negligently violates any provision of this Rules, its requirements, or conditions set forth in user's permit duly issued, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment, or toxicity standard, shall be liable civilly to BVU.
  - ii. BVU shall sue for such damage in any court of competent jurisdiction. In determining the damages, the court shall take into consideration all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and the correcting action, if any.
- k. **Annual publication of significant violators.** A list of significant violators of these Rules during the previous 12 months late be published annually by the authority in a newspaper of general circulation in the jurisdiction of such violators. Such publication may also summarize any enforcement action taken against each entity listed during the same 12-month period. For the purpose of this provision, significant violations shall be those that meet one or more of the following criteria:
  - i. Chronic violations of wastewater discharge limits defined here as those in which 66 percent or more of all the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.
  - ii. Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken during a six-month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC (TRC=1.4 or 40 percent over the limit for BOD, TSS, fats, oil and grease; and 1.2 or 20 percent over the limit for all other pollutants except pH);
  - iii. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority 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);
  - iv. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment, and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
  - v. Violation, by 90 days or more after the schedule date, or a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance;
  - vi. Failure to provide required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports of noncompliance with compliance schedules within 30 days of the due date;
  - vii. Failure to accurately report noncompliance;
  - viii. Violations which remain uncorrected 45 days after notification of noncompliance;
  - ix. Violations that are part of a pattern of noncompliance over a 12-month period; or
  - x. Any other violation or group of violations which the control authority considers to be significant.



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## I. Civil penalties.

- i. Any user who is found to have violated a BVU order or who has failed to comply with any provision of these Rules, and/or the order and permits issued hereunder, in addition to any other penalties and liabilities, shall be fined not less than \$100.00 or more than \$10,000.00 for such offense. Each day or part of a day during which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, BVU may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated these Rules or the orders, rules and permits issued hereunder.
- ii. Industrial users desiring to dispute such penalties may secure a review of such assessment by filing with the President a written petition setting forth the grounds and reasons for his objections and asking for a hearing in the matter involved before the utilities board. If a petition for review of the assessment is not filed within 30 days after the date the assessment is served, the violator shall be deemed to have consented to the assessment and it shall become final. Upon receipt of a written petition from the alleged violator pursuant to this section, the President shall give the petitioner 30 days' written notice of the time and place of the hearing, but in no case shall the hearing be held more than 60 days from the receipt of the written petition, unless the President and the petitioner agree to a postponement.