

## **EXHIBIT 6**

### **GENERAL SEWER INFORMATION**

## ARTICLE I - DEFINITIONS

### Section 1. Specific Definitions

Unless the context of usage indicates otherwise, the meaning of specific terms in this Regulation shall be as follows:

**Act** - Shall mean the Federal Clean Water Act, as amended.

**ASTM** - Shall mean the American Society for Testing Materials.

**Authority** - Montgomery County Public Service Authority

**BOD** - (denoting Biochemical Oxygen Demand) - Shall mean the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 C, expressed in milligrams per liter.

**Building Sewer** - Shall mean the extension from a building wastewater plumbing facility to the public wastewater facility.

**Combined Sewer** - Shall mean a sewer intended to receive both wastewater and storm or surface water.

**Commercial User (Class II-A&B)** - Shall include any property occupied by a nondomestic establishment not within the definition of an Industrial User (Class III), and which is connected to the wastewater facilities.

**Day** - Shall mean the 24 hour period beginning at 12:01 a.m.

**DEQ** - Shall mean the Department of Environmental Quality.

**Director** - Shall mean the Director of the (Authority's Wastewater System) or an authorized designee.

**Easement** - Shall mean an acquired legal right for the specific use of land owned by others.

**EPA** - Shall mean the United States Environmental Protection Agency.

**Garbage** - Shall mean the solid animal and vegetable wastes resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking, and serving of foods.

**Groundwater** - Shall mean water within the earth.

**Industrial User (Class III)** - Shall mean any nondomestic source of indirect discharge identified in Division A, B, D, A or I of the Standard Industrial Classification Manual. Indirect discharge shall mean the discharge or pollutants into the Authority's Wastewater Facility from any nondomestic source.

**Interference** - Shall mean inhibition or disruption of any sewer system, wastewater treatment process, sludge disposal system, or their operations, which causes a violation of applicable discharge permits.

**May** is permissible, shall is mandatory.

**Natural Outlet** - Shall mean any outlet into a watercourse, pond, ditch, lake, or any other body of surface or groundwater.

**New Source** - Shall mean a facility from which there is or may be a discharge of pollutants, construction of which began after the publication of the proposed pretreatment standards, pursuant to Section 307(C), which will apply to the facility if the standards are promulgated, provided certain location and construction criteria are met.

**NPDES** - Shall mean National Pollutant Discharge Elimination System permit program, whether administered by the EPA or by the Commonwealth of Virginia.

**Owner** - Shall mean the person or persons who legally own, lease, or occupy private property with wastewater facilities which discharge, or will discharge to the Authority's wastewater facilities.

**Pass Through** - Shall mean a discharge which exits the wastewater facilities in quantities or concentrations which alone or with discharges from other sources, cause a violation of the applicable discharge permits.

**Person** - Shall mean any individual, firm, company, association, society, partnership, corporation, municipality, or other similar organization, agency or group.

**pH** - Shall mean the logarithm of the reciprocal of the hydrogen ion concentration expressed in SU (standard units), as determined by Standard Methods.

**Pretreatment** - Shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to discharge to the Authority's facilities.

**Pretreatment Standard** - Is any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the CWA applicable to a specific category of Industrial Users.

**Pretreatment Requirement** - Shall mean any substantive or procedural pretreatment requirement, other than a National pretreatment standard, applicable to industrial users.

**Properly Shredded Garbage** - Shall mean garbage that has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in the wastewater sewers, with no particle greater than 1/4 inch (0.25") in any dimension.

**Residential User (Class I-A)** - Shall mean all premises used only for human residency and which is connected to wastewater facilities. The connection may discharge directly to the wastewater sewers sanitary wastewater.

**Residential User (Class I-B)** - Shall mean all premises used only for human residency and which is connected to wastewater facilities. The connection shall discharge into an Authority owned septic tank prior to discharge into wastewater sewers.

**Sanitary Wastewater** - Shall mean wastewater discharged from the sanitary convenience of dwellings, office buildings, industrial plants, or institutions.

**Shall** is mandatory, **May** is permissible.

**Significant Noncompliance** - Shall mean that an industrial users violation(s) meets one or more of the specific criteria listed in this section.

**Significant Industrial User** - Shall mean any categorical industrial user, and any other industrial user which discharges 25,000 gallons or more of process

wastewater per day, contributes a process wastewater which makes up 5 percent or more of the dry weather average hydraulic or organic capacity of the Wastewater Treatment Facility, and is designated as such by the Authority on the basis that it has a reasonable potential for adversely affecting the Wastewater Treatment Facility's operation or for violating a pretreatment standard or requirement.

**Standard Methods** - Shall mean the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, Water Environment Federation and American Water Works Association.

**State** - Shall mean the Commonwealth of Virginia.

**Storm Sewer** - Shall mean a sewer for conveying storm, surface, and other waters, which is not intended to be transported to a treatment facility.

**Surface Water** - Shall mean water which occurs when the rate of precipitation exceeds the rate at which water may infiltrate into the soil.

**Suspended Solids** - Shall mean the total suspended matter that either floats on the surface of, or is in suspension in, water or wastewater, as determined by Standard Methods.

**Toxins** - Shall mean any of the pollutants designated by Federal regulations pursuant to Section 307 (a) (1) of the Act.

**VDH** - Shall mean the Virginia Department of Health.

**Wastewater** - Shall mean a combination of liquid and water-carried wastes from residences, commercial buildings, industries, and institutions, together with any groundwater, surface water or storm water that may be present.

**Wastewater Facility** - Shall mean the structures, processes, equipment and arrangements necessary to collect and transport wastewaters to the treatment facility.

**Wastewater Sewer** - Shall mean the combination of the wastewater sewers and treatment facilities.

**Wastewater Treatment Facility** - Shall mean the structures, processes, equipment and arrangements necessary to treat and discharge wastewaters.

WEF - Shall mean the Water Environment Federation formerly called the Water Pollution Control Federation (WPCF).

## **Section 2. General Definitions**

Unless the context of usage indicates otherwise, the meaning of terms in this Regulation and not defined in Section 1 above, shall be as defined in the Glossary: *Water and Wastewater Control Engineering* prepared by Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association, and Water Pollution Control Federation, copyright 1969.

### REGULATION PREAMBLE

THE REGULATION regulating the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of water and wastes into the public sewer system(s) and providing penalties for violations thereof:

WHEREAS, the Federal government has enacted and amended the Federal Water Pollution Control Act now known as the Federal Clean Water Act (33 U.S.C. 1150 et seq.) and the County of Montgomery desires to remain in compliance therewith, and

WHEREAS, the Montgomery County Public Service Authority desires to assure that the use of the public wastewater system operated by it will conform to the best sanitary engineering practices, and

WHEREAS, the Montgomery County Public Service Authority desires to regulate the use of the public wastewater system operated by it.

NOW THEREFORE BE IT ORDAINED and enacted by the Public Service Authority of the County of Montgomery, State of Virginia as follows:

## **ARTICLE II - GENERAL PROVISIONS**

### **Section 1. Purpose**

The purpose of this Regulation is to provide for the maximum possible beneficial public usage of the Authority's wastewater facilities through regulation of sewer construction, sewer use, and wastewater discharges; to provide for equitable distribution of the costs of the County's wastewater facilities; and to provide procedures for complying with the requirements contained herein.

### **Section 2. Scope**

(a) The definitions of terms used in this Regulation are found in Article I. The provisions of this Regulation provides for use of the Authority's wastewater facilities, regulation of sewer construction, control of the quantity and quality of wastewater discharges, wastewater pretreatment, equitable distribution of costs, assurance that existing customers' capacity will not be preempted, approval of sewer construction plans, issuance of Wastewater Discharge Permits, minimum sewer connection standards and conditions, and penalties and other procedures in case of violation of this Regulation.

(b) This Regulation shall apply to the County of Montgomery and to persons outside of the County who are, by contract or agreement with the County, users of the Authority's wastewater sewers or wastewater treatment facilities.

### **Section 3. Administration**

Except as otherwise provided herein, the Director of the Authority's wastewater systems shall administer, implement, and enforce the provisions of this Regulation.

### **Section 4. Notice of Violation**

Any person found in violation of this Regulation or any requirement of a permit issued hereunder, may be served with a written notice stating the nature of the violation. Any such notice given shall be sent to the last address of the violator known to the Director. Where the address is known, service may be made upon the owner of record of the property involved. If satisfactory action is not taken, Section 5 of this article shall be implemented.

## **Section 5. Violations**

(a) Any person who continues to violate the discharge provisions of this Regulation, may be subject to disconnection from the Authority's wastewater facilities.

(b) Each day or portion thereof a violation continues shall constitute a separate violation.

(c) The Authority will provide an annual public notification, in a local newspaper, of any industrial user, which was in significant noncompliance with applicable pretreatment standards during the previous 12 months.

## **Section 6. Fees and Charges**

40 CFR 35.928

(a) All fees and charges payable under the provisions of this Regulation shall be paid to the Authority. Such fees and charges shall be as set forth herein or as established in the latest edition of the Authority's Wastewater Service Charge Regulation.

(b) All fees, penalties and charges collected under this Regulation and the wastewater service charge ordinance shall be used for the sole purpose of constructing, operating or maintaining the wastewater facilities of the Authority, or the retirement of debt incurred for same or payment of Industrial Cost Recovery if required pursuant to Federal Law.

(c) All fees and charges payable under the provisions of this Regulation are due and payable upon receipt of notice of charges. Unpaid charges shall become delinquent and shall be subject to penalty and interest charges as provided for in the latest edition of the Authority's Wastewater Service Charge Regulation, and subject to State Code Sec. 15.1-1263 dealing with liens on real estate.

## **Section 7. Inspections**

(a) The Director, bearing proper credentials and identification, shall be permitted to enter properties at any reasonable time for the purposes of inspection, observation, measurement, and sampling of the wastewater discharge to ensure that discharge to the Authority's wastewater facilities is in accordance with the provisions of this Regulation.

(b) The Director, bearing proper credentials and identification, shall be permitted to enter all private property through which the Authority holds an easement for the purpose of inspection, observation, measurement, sampling, repair, and maintenance of any of the Authority's wastewater facilities lying within the easement. All entry and any subsequent work on the easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

(c) While performing the necessary work on private properties referred to in Section 7(a) and (b) above, the Manager shall observe all safety rules established by the owner or occupant of the property and applicable to the premise.

**Section 8. Vandalism**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the Authority's wastewater facilities. Any person who violates this section may be charged with a misdemeanor and punishable by a fine.

**Section 9. Severability**

A finding by any court or other jurisdiction that any part or provision of this Regulation is invalid shall not affect the validity of any other part or provision of this Regulation which can be given effect without the invalid parts or provisions.

**Section 10. Amendments to the Regulations**

Public notice shall be given in accordance with applicable provisions of the Authority Charter, other Authority Regulations, State and Federal law prior to adoption of any amendments of the Regulation.

**ARTICLE III  
USE OF THE AUTHORITY'S WASTEWATER FACILITIES**

**Section 1. Waste Disposal**

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 the service area of Montgomery County Public Service Authority, or in any area under the jurisdiction of said Authority, any human or animal excrement, garbage, or other objectionable waste.

## **Section 2. Wastewater Discharges**

It shall be unlawful to discharge without a NPDES permit to any natural outlet within the service area of the Montgomery County Public Service Authority, or in any area under its jurisdiction. Wastewater discharges to the Authority's wastewater facilities are not authorized unless approved by the Director in accordance with provisions of this Regulation.

## **Section 3. Wastewater Disposal**

Except as provided in this Regulation, 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 wastewater.

## **Section 4. Connection to Wastewater Sewer Facilities**

The owner, tenant, or occupant of each lot or parcel of land which abuts upon a street or other public way containing a Montgomery County Public Service Authority sewer main or sewer system upon which lot or parcel a building shall have been constructed for residential, commercial or industrial use, shall within ninety (90) days after receipt of written notification from the Authority, connect such building with such sewer main or sewer system provided that the sewer main or sewer system is located within three hundred (300) feet of the building to be served, and at which time the owner, tenant or occupant shall cease to use any other source of wastewater treatment. Mandatory connection shall not be required if the connection cannot be served by gravity or if it can only be achieved by crossing a highway, railway or stream.

Those persons having a private septic system or domestic sewage system meeting applicable standards established by the Virginia Department of Health prior to the sewer main or sewer system abutting their lot or parcel of land shall not be required under this chapter to discontinue the use of same or connect to the public system until such time that the person no longer has a private septic system or domestic sewage system meeting Virginia Department of Health standards or so chooses to connect. All such connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the Authority, which rules and regulations may provide for a charge for making any such connection in such reasonable amount as the Authority may fix and establish.

Persons who have obtained exemption from or deferral of taxation pursuant to an ordinance by the Board of Supervisors of Montgomery County, Virginia, pursuant to Section 58.1-3210 of the Code of Virginia, shall be exempted or

deferred by the Authority from paying the facility.

## **ARTICLE IV - PRIVATE WASTEWATER DISPOSAL**

### **Section 1. Exclusion**

Article IV shall not apply to any private sewer system which discharges to a wastewater facility of the Authority or which discharges directly to a natural outlet by authority of a separate NPDES permit and in compliance with applicable State and Federal laws.

### **Section 2. Private System Required**

All houses, buildings, or properties which are required by other authority to have sanitary or industrial wastewater facilities, are subject to the jurisdiction of this Regulation and are located where a proper wastewater sewer is not available as specified by the provisions of Article III, Section 4, of this Regulation, shall be equipped at the owner's expense, with suitable wastewater facilities connected to a private wastewater disposal system which complies with provisions of Title 32.1 Chapter 6 Code of Virginia as amended, Sewage Handling & Disposal Regulations, Commonwealth of Virginia Board of Health.

### **Section 3. Construction Permit**

Before commencement of construction of a private wastewater disposal system required under Section 2 above, the owner shall first obtain a written construction permit signed by the Virginia Department of Health (VDH). The application for such permit shall be made on a form furnished by the Virginia Department of Health (VDH), which the applicant shall supplement by any plans, specifications, and other information relevant to wastewater discharges as are deemed necessary to the Department of Health. A permit and inspection fee as required shall be paid to the Department of Health at the time the application is filed.

### **Section 4. Design Requirements**

Safe Drinking Water Act Section 1421 through 1424

The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of the Department of Health of the State of Virginia, or applicable Federal law.

## **Section 5. Connection to Authority's System When Available**

At such time as a wastewater sewer becomes available as defined in Article III, Section 4, to a property served by a private wastewater disposal system, an approved connection may be made to the wastewater sewer and any septic tanks, cesspools, and similar wastewater disposal facilities shall be emptied and filled with suitable material.

## **Section 6. Sanitary Operation Required**

The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times in accordance with the conditions of the operating permit, and at no expense to the Authority. Such facilities shall be subject to inspection by the Director at reasonable times.

## **Section 7. Further Requirements**

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer, or other applicable authority.

## **Section 8. Septage Disposal & Fees**

Septage disposal from private haulers will only be accepted when it can be demonstrated that high strength septage will not damage the sewer treatment facilities and will not impair the treatment process. The fee for septage disposal will be \$35.00 per 1,000 gallons of septage, or based on the most recently enacted fee by the Authority. The only septage accepted at the Elliston/Lafayette Wastewater Plant will be that septage generated within Montgomery County. Private haulers must receive approval from the Authority before disposal of septage.

# **ARTICLE V. - BUILDING SEWERS AND CONNECTIONS**

## **Section 1. Connection Permit**

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any wastewater sewer or a storm sewer without first obtaining a written permit from the Director.

(b) There shall be three (3) classes of permits for connections to the Authority's wastewater facilities: Class I - residential, Class II - commercial, and Class III - industrial. In all cases, the owner shall make application for a permit to connect to the

Authority's wastewater facilities on a special form furnished by the Authority. The permit application shall be supplemented by wastewater information required to administer this regulations.

## **Section 2. Connection Costs**

The costs and expenses incidental to the building sewer installation and connection to the Authority wastewater facilities shall be borne by the owner. The owner shall indemnify the Authority from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

## **Section 3. Existing Building Sewers**

Existing building sewers may be used for connection of new buildings only when they are found, on examination and test by the Director to meet the requirements of this Regulation.

## **Section 4. Building Sewer Design**

The size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placement, jointing and testing methods used in the construction and installation of a building sewer shall conform to the building and plumbing code or other applicable requirements of the Authority and County. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WEF shall apply.

## **Section 5. Building Sewer Elevation**

Whenever practicable, the building sewer shall be brought to a building at an elevation below the basement floor. In buildings in which any building drain is too low to permit gravity flow to the Authority's wastewater sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to a building sewer draining to the Authority sewer.

## **Section 6. Surface Runoff and Groundwater Drains, Inflow and/or Infiltration Sources**

**No person shall connect roof, foundation, areaway, paring lot, roadway, or other surface runoff or groundwater drains to any sewer which is connected to a wastewater treatment facility.** The owner shall operate and maintain the private

wastewater disposal facilities and/or service lines in accordance with the operating permit. Such facilities shall be subject to inspection by the Director at reasonable times. If an inflow and/or infiltration source is detected, the owner shall be required to correct the source influx at the direction of the Director.

### **Section 7. Conformance to Applicable Codes**

The connection of a building sewer into a wastewater sewer shall conform to the requirements of the building and plumbing code or other applicable requirements of the Authority and County, or the procedures set forth in appropriate specifications of the ASTM or the WEF. The connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the Director before installation.

### **Section 8. Connection Inspection**

The applicant for a building sewer or other drainage connection permit shall notify the Director when such sewer or drainage connection is ready for inspection prior to its connection to the Authority's facilities. Such connection and testing as deemed necessary by the Director shall be made under the supervision of the Director.

### **Section 9. Excavation Guards and Property Restoration**

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

### **Section 10. Protection of Capacity for Existing Users**

The Director shall not issue a permit for any class of connection to the Authority's wastewater sewers or wastewater treatment facilities unless there is sufficient capacity, not legally committed to other users, in the wastewater sewers and treatment facilities to convey and adequately treat the quantity of wastewater which the connection will add to the system. The Director may permit such a connection if there are legally binding commitments to provide the needed capacity.

# ARTICLE VI. - CONDITIONS TO USE OF THE AUTHORITY WASTEWATER SEWERS

## Section 1. Special Uses of Wastewater Sewers

All discharges of stormwater, surface water, groundwater, roof runoff, subsurface drainage, or other waters not intended to be treated in the treatment facility shall be made to storm sewers or natural outlets designed for such discharges, except as authorized under Article V, Section 7. Any connection, drain, or arrangement which will permit any such waters to enter any wastewater sewer shall be a violation of the Sewer Regulations and may impact approval of the Industrial Wastewater Permit Application.

## Section 2. Restricted Discharges

(a) No person shall discharge or cause to be discharged to any of the Authority's wastewater facilities any substances, materials, waters, or wastes in such quantities or concentrations which will:

- 40 CFR  
403.5
1. Create a fire or explosion hazard including, but not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas; with a flashpoint limit of less than 140 degrees Fahrenheit or 60 degrees Celsius;
  2. Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater facilities, but in no case discharges with the pH less than 5.0;
  3. Cause obstruction to the flow in sewers, or any interference with the operation of wastewater facilities due to accumulation of solid or viscous materials;
  4. Constitute a rate of discharge or substantial deviation from normal rates of discharge, (slug discharge), sufficient to cause interference in the operation and performance of the wastewater facilities; including oxygen demanding pollutants with a concentration which would cause interference;
  5. Contain heat in amounts which will accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen

sulfide in the wastewater sewer or inhibit biological activity in the wastewater treatment facilities, but in no case shall the discharge of heat cause the temperature of the influent to the treatment facilities to exceed 104 degrees Fahrenheit (40 degrees Celsius);

6. Contain more than 100 milligrams per liter of nonbiodegradable oils of mineral or petroleum origin;
7. Contain floatable oils, fat, or grease;
8. Contain noxious, malodorous gas or substance which is present in quantities that create a public nuisance or a hazard to life;
9. Contain any garbage that has not been properly shredded;
10. Contain any odor or color producing substances exceeding concentration limits which may be established by the Director for purposes of meeting the Authority's NPDES permits.

(b) If, in establishing discharge restrictions, discharge limits or or pretreatment standards pursuant to this Article, the Director established concentration limits to be met by an industrial user, the Director in lieu of concentration limits, shall establish mass limits of comparable stringency for an individual user at the request of such user.

40 CFR  
403.6

11. Cause a discharge that exits the wastewater treatment facility alone or combined with other pollutants, that exceed plant discharge limits, is prohibited.
12. Prohibit the discharge of hauled or trucked pollutants at the Wastewater Treatment Facility, except at points specifically designated.

### **Section 3. Federal Categorical Pretreatment Standards**

- 40 CFR 403.6 (a) No person shall discharge or cause to be discharged to any wastewater facilities, wastewaters containing substances subject to an applicable Federal Categorical Pretreatment Statement promulgated by EPA in excess of the quantity prescribed in such applicable treatment standards except as otherwise provided in this section. Compliance with such applicable pretreatment standards shall be within 3 years of the date the standard is promulgated; provided however, compliance with the categorical pretreatment standard (40 CFR Chapter I, Subchapter N, Parts 405-471) for new sources shall be required upon promulgation.
- 40 CFR 403.7 (b) Upon application by a Class III user, the Director shall revise any limitations on substances specified in the applicable pretreatment standards to reflect removal of the substances by the wastewater treatment facility. The revised discharge limit for specified substances shall be derived in accordance with Federal law.
- 40 CFR 403.11
- 40 CFR 403.13 (c) Upon application by a Class III user, the Director shall adjust any limitations on substances specified in the applicable pretreatment standards to consider factors relating to such person which are fundamentally different from the factors considered by EPA during the development of the pretreatment standard. Requests for and determination of a fundamentally different adjustment shall be in accordance with Federal law.
- (d) The Director shall notify any Class III user affected by the provisions of this Section and establish an enforceable compliance schedule with each.
- (e) The user shall develop a slug control plan which outlines discharge practices (including nonroutine batch discharge); describes stored chemicals; and contains procedures both to notify the Wastewater Treatment Facility immediately of slug discharges and to prevent adverse impacts from accidental spill.

#### **Section 4. Special Agreements - Wastewater Users**

Nothing in this article shall be construed as preventing any special agreement or arrangement between the Authority and any user of the wastewater facilities 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. No special agreement shall permit the violation of an applicable pretreatment standard or requirement.

#### **Special Agreements - Other Localities and Agencies**

Nothing in this article shall be construed as preventing any special agreement or arrangement between the Authority and any municipality, other political subdivision, public body, wastewater Authority, for the rendering of wastewater service in other areas of Montgomery County, where service is provided by the following:

Town of Christiansburg  
Blacksburg, VPI Sanitation Authority  
Pepper's Ferry Regional Wastewater Treatment Authority  
City of Radford

#### **Section 5. Water & Energy Conservation**

The conservation of water and energy shall be encouraged by the Director. In establishing discharge restrictions upon industrial users, he shall take into account already implemented or planned conservation steps revealed by the Class III user. Upon request of the Director, each industrial user will provide the Director with pertinent information showing that the quantities of substances or pollutants have not been nor will be increased as a result of the conservation steps. Upon such a showing to the satisfaction of the Director, the user shall make adjustments to discharge restrictions, which have been based on concentrations, to reflect the conservation steps.

#### **Section 6. Right of Entry**

By connecting to the Authority's wastewater sewers, the owner does grant the Authority the right of entry onto the owner's property for purpose of repair or maintenance to the Authority's Facilities located thereon. This right specifically, but not solely, applies to Class I-B and Class II-B users for which the Authority owns septic tanks located on the owner's property. The owner shall maintain suitable access to these facilities.

## **ARTICLE VII. - INDUSTRIAL DISCHARGERS**

### **Class III - Industrial Dischargers**

The Industrial Discharges and Pretreatment Program delineated herein has been developed in accordance with the General Pretreatment Regulations contained in 40 CFR Part 403. This program was developed utilizing the Guidance Manual for POWT Pretreatment Program Development, published by the United States Environmental Protection Agency (EPA).

The Montgomery County Public Service Authority (MCPSA) collects and treats wastewater from wastewater systems located within Montgomery County, including Elliston-Lafayette Regional Wastewater System, Shawsville Wastewater System, Riner Wastewater System, Warm Hearth Pumping Facility, Belview Pumping Facility, Montgomery Farms Collection System, Burley Lane, Hospital Pump Station and the Plum Creek Collection and Pumping System. An individual Sewer User Agreement between the MCPSA and the Pepper's Ferry Regional Wastewater Treatment Authority, the Blacksburg-VPI Sanitation Authority, and the Town of Christiansburg covers the flow allocations for those service areas in Montgomery County that are not provided with treatment facilities. The Montgomery County Public Service Authority has adopted Sewer Use Rules and Regulations associated with the collection and treatment of wastewater generated in Montgomery County.

The Montgomery County Public Service Authority's collection and treatment systems consists of three secondary wastewater treatment plants, ten major pump stations, 20 miles of interceptor and collection sewers, and approximately 5 miles of force main.

### **Industrial Flows**

It has been established that the combined industrial flow rate of the MCPSA wastewater systems is currently 0.025 MGD, which comprises 0.15 percent of the design flows of the combined wastewater treatment facilities. Of the total treatment plant capacity of 1.6 MGD, less than two percent is being utilized for industrial discharge. Due to the limited number of industrial users and low wastewater flows, industrial discharge limitations should not present a problem.

### **Industrial Sampling**

The MCPSA will perform a variety of daily tests on the influent and effluent wastewater flows along with raw and digested sludges produced at all wastewater

treatment facilities. The aerobically stabilized sludge produced by the MCPSA will be analyzed annually for all of the parameter limitations. Additional sampling by the MCPSA will include those samples set forth in the Toxics Monitoring Program which is a requirement of the Department of Environmental Quality (DEQ). The MCPSA will perform an initial series of samples of the influent wastewater flow to determine background levels of the primary industrial pollutants including inorganic and organic parameters.

## **Section 1. Information Requirements**

40 CFR 403.8 (a) All Class III dischargers shall file with the Authority, wastewater information deemed necessary by the Director for determination of compliance with this Regulation, the Authority's NPDES permit conditions, and State and Federal law. Such information shall be provided by completion of a questionnaire designed and supplied by the Director and by supplements there to as may be necessary. Information

40 CFR 403.14 requested in the questionnaire and designated by the discharger as confidential is subject to the conditions of confidentiality as set out in Section I (c) of this article, and under 40 CFR 403.12 (b) of the DEQ regulations.

(b) Where a person owns, operates or occupies properties designated as a Class III discharger at more than one location, separate information submittals shall be made for each location as may be required by the manager.

40 CFR 2 (c) The Director shall implement measures to ensure the confidentiality of information provided by a Class III discharger pursuant to this Regulation. In no event shall the Director delegate this responsibility or disclose any claimed confidential information to any person without providing the owner with the opportunity to protect such confidential information, including the right to seek judicial relief. However, EPA shall have immediate and unlimited access to all information collected by the Authority under its pretreatment program.

(d) A Compliance Schedule Progress Report is required that shall contain milestone dates for implementing necessary pretreatment required to meet the applicable categorical pretreatment standards.

## **Section 2. Provisions for Monitoring**

40 CFR 403.12 (a) When required by the Director, the owner of any property serviced by a building sewer carrying Class III wastewater discharges shall provide suitable access and such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastewater. Such access shall be in a readily and safely accessible location and shall be provided in accordance with plans approved by the Director. The access shall be provided and maintained at the owner's expense so as to be safe and accessible at reasonable times.

(b) The Director shall consider such factors as the volume and strength of discharge, rate of discharge, wastewater treatment facility removal capabilities, and cost effectiveness in determining whether or not access and equipment for monitoring Class III wastewater discharges shall be required.

(c) Where the Director determines access and equipment for monitoring or measuring Class III wastewater discharges is not practicable, reliable, or cost effective, the Director may specify alternative methods of determining the characteristics of the wastewater discharge which will, in the Director's judgment, provide an equitable measurement of such characteristics.

## **Section 3. Determination of Wastewater Characteristics**

(a) Measurements, tests, and analyses of the characteristics of wastewater to which reference is made in this Regulation shall be determined in accordance with 40 CFR, Part 136. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Director. The discharger shall have the option to use, at his own expense, more complete sampling methods, locations, times, durations, and frequencies than specified by the Manager.

(b) Measurements, tests, and analyses of the characteristics of wastewater required by this Regulation shall be performed by a qualified laboratory. The cost of these analyses shall be borne by the discharger.

40 CFR (c) Monitoring of wastewater characteristics necessary for determination of compliance with applicable pretreatment standards shall be conducted on the basis of the following schedule, unless more frequent monitoring

is required by authority other than this Regulation or if the Director, in his judgment, determines that the characteristics of the specific discharge warrant a different frequency monitoring.

Average Actual	Monitoring Frequency
Daily User Discharge	
less than 100,000 GPD	semi-annually
100,000 - 999,999 GPD	quarterly
more than 999,999 GPD	monthly

(d) Monitoring of wastewater characteristics for any purpose other than the determination of compliance with pretreatment standards shall be conducted on a frequency deemed necessary by the Director.

(e) Upon demonstration by any user that the characteristics of the wastewater discharged by that user are consistently in compliance, the Director may reduce the frequency of monitoring to less than semi-annual for the determination of compliance with pretreatment standards, and that periodic reports be submitted from all categorical and significant non-categorical industrial users.

(f) In determining the discharge characteristic factors such as continuous or batch operation, and seasonal operation and the information requirements of other provisions of this Regulation shall be considered by the Director. The Director may obtain wastewater samples as required to verify the consistency of discharge characteristics.

(g) Fees for any given measurement, test or analysis of wastewater required by this Regulation and performed by the Authority shall be the same for all classes of dischargers, regardless of the quantity or quality of the discharge and shall reflect only direct cost. Costs of analyses performed by an independent laboratory at the option of discharger shall be borne directly by the discharger.

#### **Section 4. Cost of Damage**

If the drainage or discharge from any establishment causes a deposit, obstruction, or damage to any of the Authority's wastewater facilities, the Director shall cause the deposit or the obstruction to be promptly repaired. The cost for such work, including materials, labor and supervision shall be borne by the person causing such deposit, obstruction, or damage.

## **Section 5. Record Keeping**

The Authority requires that industrial users must keep records of monitoring activities and results for a minimum of 3 years, or longer in the case of unresolved litigation or when requested by the Authority, in accordance with CFR 403.12 (c).

## **Section 6. Inspect and Copy Records**

The Authority has the legal authority to inspect and copy records of any industrial user's monitoring activities and results.

## **Section 7. Notice of Potential Problems**

All users, including industrial users, whether or not subject to categorical pretreatment standards, must notify the wastewater treatment facility immediately of any discharge and/or spill which would cause a problem, including any slug loadings.

## **Section 8. Notice of Violation/Resampling Requirement**

If sampling performed by an industrial user indicates a violation, the user must notify the wastewater treatment facility within 24 hours of becoming aware of the violation. The user must repeat the sample and submit the results to the wastewater treatment facility within 7 days of becoming aware of the violation.

## **Section 9. Notice of Changed Discharge**

The Authority requires that all industrial users notify the Director and/or wastewater treatment facility prior to any substantial changes in volume or character of pollutants in their discharges, including hazardous wastes.

## **Section 10. Notification of Discharge of Hazardous Wastes**

The Authority requires any industrial user to notify the Director and/or wastewater treatment facility, in writing, DEQ and EPA of any discharge which would be considered a hazardous waste, if disposed of in a different manner.

## **Section 11. Removal of Inflow and/or Infiltration Source**

All users, domestic and industrial, are required to remove, repair, and remedy any inflow and/or infiltration source determined by the Authority to cause additional discharge into the wastewater treatment facility.

## **Section 12. Access to Data**

The Authority shall make all information submitted by its industrial users available to EPA, the State, and available to the public. Such effluent data is not considered to be confidential.

## **Section 13. Enforcement of Harmful Discharges**

The Authority may suspend the wastewater treatment services of any user when such suspension is necessary, in the opinion of the Authority, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, causes interference to the treatment facilities or causes the Authority to violate any condition of its VPDES Permit.

Any wastewater user notified of a suspension of the wastewater treatment service shall immediately stop or eliminate the harmful discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the Authority shall take such steps as deemed necessary including immediate severance of the sewer connection and/or the seeking of legal and equitable relief in the circuit court, to prevent or minimize damage to the wastewater treatment facilities or endangerment to any individuals.

The Authority shall reinstate the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the Authority within 15 days of the date of occurrence.

## **ARTICLE VIII. - PRETREATMENT**

### **Section 1. Wastewaters with Special Characteristics**

40 CFR 403.8 (a) While the Director should initially rely upon the Federal Categorical Pretreatment Standards of Section 3 of Article VI to protect wastewater facilities or receiving waters, if any wastewater which contains substances or possesses characteristics shown to have deleterious effect upon the wastewater facilities, process, equipment, or receiving waters, or constitutes a public nuisance or hazard, is discharged or is proposed for discharge to the wastewater sewers, the Director may:

1. Require pretreatment to a condition acceptable for discharge to the wastewater sewers,
2. Require control over the quantities and rates of discharge, in accordance with the Authority's regulations as promulgated from time to time,
3. Require payment to cover added cost of handling and treating the wastewaters not covered by existing fees or charges,
4. Require the development of compliance schedule progress reports to assure compliance with applicable pretreatment requirements, in accordance with the Authority's regulations as promulgated from time to time,
5. Require the submission of reports necessary to assure compliance with applicable pretreatment requirements, in accordance with the Authority's regulations as promulgated from time to time,
6. Carry out all inspection, surveillance, and monitoring necessary to determine compliance with applicable pretreatment requirements,
7. Obtain remedies for noncompliance or violation of a pretreatment standard or requirement, by any user. Such remedies may include injunctive relief, the civil penalties specified in Article II of this Regulation, or appropriate criminal penalties, in the amount of at least \$1,000 per day, or,
8. Reject the wastewater - if specific evidence discloses that discharge will create unreasonable hazards or have unreasonable deleterious effects on the wastewater facilities, or pose an imminent danger to persons or the environment.
9. Industrial Users are required to give the Authority prior notification of any changes in their discharges and to allow the Authority to put conditions on that discharge.

(b) When considering the above alternatives, the Director shall assure that conditions of the Authority's NPDES permit are met. The Director shall

also take into consideration cost effectiveness and the economic impact of the alternatives on the discharger. If the Director allows the pretreatment or equalization of wastewater flows, the installation of the necessary facilities shall be subject to review. The Director shall review and recommend any appropriate changes to the program, within 45 days of submittal.

(c) Where pretreatment or flow-equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner.

## **Section 2. Compliance with Pretreatment Requirements**

### **40 CFR 403.12**

Persons required to pretreat wastewater in accordance with Section 1 above, shall provide a 90 day compliance report, reviewed by an authorized representative of the user and certified to by a qualified person indicating whether applicable pretreatment requirements are being met on a consistent basis and, if not, describe the additional pretreatment required for the user to meet the pretreatment requirements. The 90 day compliance report must contain a statement certified by a qualified person about the user's compliance with categorical standards. If additional pretreatment or operation and maintenance will be required to meet the pretreatment requirements, the user shall submit a plan (including schedules) to the Director. The plan (including schedules) shall be consistent with applicable conditions of the Authority's NPDES Permit or other local, state or federal laws. The Authority requires appropriate signatories and certifications for 90 day compliance reports and periodic reports from industrial users.

## **Section 3. Monitoring Requirements**

Discharges of wastewater to the Authority's wastewater facilities from the facilities of any user shall be monitored in accordance with the provisions of Article VII, Sections 2 and 3 of this Regulation.

## **Section 4. Effect of Federal Law**

### **40 CFR 403.7, 403.9**

In the event that the Federal government promulgates a regulation for a given

new or existing user in a specific industrial subcategory that establishes pretreatment standards, such Federal regulations shall immediately supersede Section 1(a) of this article. Current Federal standards are located in 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated into these regulations.

### **Section 5. Revision of Pretreatment Standards**

The Director shall promptly apply for and obtain authorization from the EPA to revise discharge limitations for those substances listed in the Federal Categorical Pretreatment Standards for which consistent removal occurs in the wastewater treatment facilities of the Authority. The Authority shall adopt and enforce categorical standards as they are promulgated by EPA.

### **Section 6. Prohibition Against Dilution as Treatment**

The use of dilution as a substitute for adequate treatment to achieve compliance with a pretreatment standard is prohibited.

## **ARTICLE IX. WASTEWATER SERVICE CHARGES AND INDUSTRIAL COST RECOVERY**

### **Section 1. Wastewater Service Charges**

**40 CFR 35.929, 40 CFR 403.12(e)**

Charges and fees for the use of the public wastewater facilities shall be based upon the actual use of such system, or contractual obligations for a level of use in excess of current actual use. Property value may be used to collect the amount due as permitted by Federal law.

### **Section 2. Industrial Cost Recovery**

**40 CFR 35.928**

Users of the Authority's wastewater facilities will also be assessed industrial cost recovery charges as required by Federal law.

### **Section 3. Determination of System Use**

(a) The use of the Authority's wastewater facilities shall be based upon actual measurement and analysis of each user's wastewater discharge, in accordance with provisions of Article VII, Sections 2 and 3, to the extent such measurement and analysis is considered by the Director to be feasible and cost-effective.

(b) Where measurement and analysis is considered not feasible, determination of each user's use of the facilities shall be based upon the quantity of water used whether purchased from a public water utility or obtained from a private source, or an alternative means as provided by Section (c) below.

(c) The Director, when determining actual use of the Authority's wastewater facilities based on water use, shall consider consumptive, evaporative, or other use of water which results in a significant difference between a discharger's water use and wastewater discharge. Where appropriate, such consumptive water use may be metered to aid in determining actual use of the wastewater facilities. The meters used to measure such water uses shall be of a type and installed in a manner approved by the Director.

(d) (Sewer users not on metered water), water use shall be based upon minimum monthly wastewater discharge of 4,000 gallons for residential and 8,000 gallons for business.