



AUTHORIZATION TO DISCHARGE UNDER THE
INDUSTRIAL WASTEWATER PRETREATMENT PROGRAM

INDUSTRIAL WASTEWATER PRETREATMENT PERMIT #PINOVA-2017-C

Categorical Industrial User (40 CFR Part 414.111)

In compliance with the provisions of 40 CFR Part 403, the Georgia Administrative Code Chapter 391-3-6, Water Quality Control, the Glynn County Municipal Code Chapter 2-16 Water and Sewer Ordinance, and the City of Brunswick Municipal Code Chapter 22 Water and Sewer Ordinance, as amended, ***Pinova, Inc.*** is authorized to discharge from a facility located at

2801 Cook Street
Brunswick, GA 31520

to the Academy Creek Water Pollution Control Plant (WPCP) owned and operated by the Brunswick-Glynn County Joint Water and Sewer Commission, in accordance with discharge limitations, monitoring requirements and other conditions set forth in Parts I and II hereof.

EFFECTIVE DATE:	<u>August 1, 2017</u>
EXPIRATION DATE:	<u>July 31, 2022</u>
PERMIT RENEWAL APPLICATION DUE DATE:	<u>April 30, 2022</u>

NOTE: In order to receive authorization to discharge beyond the date of expiration, the permittee must submit a renewal permit application to the Pretreatment Compliance Coordinator at the JWSC, no later than ninety (90) days prior to the date this permit expires. Failure to do so will result in expiration of the authorization to discharge.

Signed this ___ day of _____, 2017 for Brunswick-Glynn County Joint Water and Sewer Commission.

Jimmy Junkin, Executive Director
Brunswick-Glynn County Joint Water and Sewer Commission
1703 Gloucester Street
Brunswick, GA 31520

Expiration Date: July 31, 2022

PART I — SPECIFIC CONDITIONS**(A) EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

- (1) During the period beginning on the effective date of this permit and lasting until the expiration date, the permittee is authorized to discharge at the Hunter Street Pump Station [1] in compliance with the Academy Creek WPCP Local Limits and Organic, Chemicals, Plastics, and Synthetic Fibers Categorical Standards of 40 CFR Part 414.111. Such discharge shall be limited and monitored by the permittee as specified below in Table I and Table II.

Table I Required Effluent Monitoring

The following monitoring must be conducted by the Industrial User (User) per the Sample Frequency schedule:

Parameter	Discharge Limits [2]		Monitoring Requirements	
	Monthly Average	Daily Maximum	Sample Frequency	Sample Type [3,4]
Flow (MGD) [5]	1.2	2	Continuous	Continuous
Conventional/Other Pollutants				
BOD ₅ (lb/day) [6]	10,000	10,000	1/week	Composite
COD (lb/day)	12,000	12,000	1/week	Composite
TSS (lb/day) [6]	5,000	5,000	1/week	Composite
Ammonia (mg/L)	50	50	1/week	Composite
Oil & Grease (mg/L) [7]	100	300	1/week	Grab
pH (standard units)	-	6.0 – 10	1/week	Grab
Temperature (°C) [7]	40	47	1/week	Grab
Phosphorus, Total (as P) (mg/L) [8]	Report Only	Report Only	1/week	Composite
Sulfide (mg/L) [8]	Report Only	Report Only	1/week	Grab
Formaldehyde (mg/L) [9]	-	0.06	1/week	Composite
Methyl Isobutyl Ketone (mg/L) [7]	9.84	13	1/week	Composite
Categorical Pollutants [10] (More Stringent of Local Limits and 40 CFR 414.111 Limits)				
<i>Inorganic Pollutants (mg/L)</i>				
Cyanide	0.11	0.42	1/quarter	Grab
Lead	0.16	0.32	1/quarter	Composite
Zinc	0.54	1.05	1/quarter	Composite
<i>Organic Pollutants (mg/L)</i>				
Acenaphthene	0.047	0.019	1/quarter	Composite
Anthracene	0.047	0.019	1/quarter	Composite
Benzene	0.014	0.057	1/quarter	Composite
Bis(2-ethylhexyl) phthalate	0.018	0.095	1/quarter	Composite
Carbon Tetrachloride	0.011	0.142	1/quarter	Composite
Chlorobenzene	0.380	0.142	1/quarter	Composite
Chloroethane	0.295	0.110	1/quarter	Composite
Chloroform	0.060	0.111	1/quarter	Composite
Dichlorobenzene, 1,2-	0.794	0.196	1/quarter	Composite
Dichlorobenzene, 1,3-	0.380	0.142	1/quarter	Composite
Dichlorobenzene, 1,4-	0.380	0.142	1/quarter	Composite
Dichloroethane, 1,1-	0.016	0.022	1/quarter	Composite
Dichloroethane, 1,2-	0.066	0.025	1/quarter	Composite

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Parameter	Discharge Limits [2]		Monitoring Requirements	
	Monthly Average	Daily Maximum	Sample Frequency	Sample Type [3,4]
Dichloroethylene,1,1,-	0.509	0.196	1/quarter	Composite
Dichloroethylene,trans-1,2-	0.080	0.196	1/quarter	Composite
Diethyl phthalate	0.000	0.046	1/quarter	Composite
Dimethyl phthalate	0.047	0.019	1/quarter	Composite
Dichloropropane,1,2-	0.509	0.196	1/quarter	Composite
Dichloropropylene,1,3-	0.080	0.196	1/quarter	Composite
Di-n-butyl phthalate	0.043	0.020	1/quarter	Composite
Dinitrophenol, 2,4-	0.277	0.078	1/quarter	Composite
Dinitrophenol, 2-Methyl-4,6-	0.231	0.065	1/quarter	Composite
Dinitrotoluene, 2,4-	0.576	0.162	1/quarter	Composite
Ethylbenzene	0.380	0.142	1/quarter	Composite
Fluoranthene	0.054	0.022	1/quarter	Composite
Fluorene	0.047	0.019	1/quarter	Composite
Hexachlorobenzene	0.000	0.196	1/quarter	Composite
Hexachlorobutadiene	0.000	0.142	1/quarter	Composite
Hexachloroethane	0.093	0.196	1/quarter	Composite
Methyl Chloride	0.060	0.11	1/quarter	Composite
Methylene Chloride	0.170	0.036	1/quarter	Composite
Naphthalene	0.047	0.019	1/quarter	Composite
Nitrobenzene	6.402	2.237	1/quarter	Composite
Phenanthrene	0.047	0.019	1/quarter	Composite
Pyrene	0.048	0.02	1/quarter	Composite
Tetrachloroethylene	0.164	0.052	1/quarter	Composite
Toluene	0.074	0.028	1/quarter	Composite
Trichlorobenzene,1,2,4-	0.390	0.196	1/quarter	Composite
Trichloroethane,1,1,1-	0.059	0.022	1/quarter	Composite
Trichloroethane,1,1,2-	0.127	0.032	1/quarter	Composite
Trichloroethylene	0.026	0.026	1/quarter	Composite
Vinyl Chloride	0.012	0.097	1/quarter	Composite

Notes

- [1] The User's process wastewater discharge is monitored at the Hunter Street pump station. The sample must be representative of the discharge and this collection point must only contain process wastewater without any dilution streams (i.e., non-contact cooling water). See **Attachment I – Sampling Point Location**.
- [2] Any discharge in excess of the daily maximum limit or monthly average limit is a violation and subject to enforcement by the JWSC as outlined in this permit, the Water and Sewer Ordinance Municipal Code, and/or the Enforcement Response Plan.
- [3] A Grab sample is an individual sample collected over a period of time not exceeding 15 minutes and shall be representative of all combined process wastestreams at the Hunter Street Pump Station.
- [4] A Composite sample shall be collected using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the Utility may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged of all combined process wastestreams at Hunter Street Pump Station. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

- [5] Flow values determined by the JWSC will take precedence in the case of significantly conflicting values between the JWSC's and the User's meters unless the User proves to the JWSC's satisfaction that the User's flow is more accurate. Devices used to measure wastewater flow and quality shall be calibrated by the User on at least a semi-annual basis to ensure their accuracy.
- [6] Per the Municipal Code Water and Sewer Ordinance, any discharge to the POTW that contains concentrations of conventional pollutants above the local discharge limit will be subject to surcharges as provided in the current rate resolution. For purposes of this permit, surcharges are applied to biochemical oxygen demand and total suspended solids.
- [7] There is a variance for the temperature daily maximum, oil and grease daily maximum, and methyl isobutyl ketone daily maximum limit based on the User's previous agreement and discussions with the User. Should there be any future issues and/or concerns, the JWSC can discontinue the variance for these parameters and revert to the Ordinance maximum temperature limit of 40 degrees Celsius, oil and grease daily maximum limit of 100 mg/L, and/or methyl isobutyl ketone daily maximum limit of 9.84 mg/L.
- [8] As of the date of this permit, the JWSC is requiring permitted Users to monitor and report phosphorus and sulfide in their effluent. In the event of future upsets caused by phosphorus levels, the JWSC may impose the phosphorus local limit of 6 mg/L and sulfide Ordinance limit of 1.0 mg/L to permitted Users.
- [9] The User will monitor formaldehyde air exposure to the POTW's employees at locations within the POTW's sewer collection system and treatment plant. If the User can demonstrate that formaldehyde vapors are below the American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Value (TLV of 0.3 ppm (which equates to the Gas/Vapor Toxicity Screening level of 0.06 mg/L per EPA's *Guidance to Protect POTW Workers from Toxic and Reactive Gases and Vapors* [EPA 812-B-92-001, June 1992]), the JWSC will consider increasing the formaldehyde limit to 2.0 mg/L, as requested by Pinova.
- [10] All metals shall be analyzed as Total Recoverable Metals, if applicable.

Table II Academy Creek WPCP Local Limits and JWSC Annual Monitoring

The User's discharge must meet the following local limits at all times for the Academy Creek WPCP, approved by the Georgia Environmental Protection Division in February 2015. The JWSC will conduct annual monitoring, or more frequent as needed, of the User's discharge to verify compliance. The JWSC's cost for this annual monitoring shall be shared equally with the User. The JWSC will issue an invoice for half of the cost to be paid by the User within 30 days of the invoice date.

Parameter	Monitoring Requirements		
	Local Limits mg/L	Sample Frequency by JWSC	Sample Type [3,4]
Inorganic Pollutants [9]			
Antimony	21.72	Annually	Composite
Arsenic	0.047	Annually	Composite
Cadmium	0.03	Annually	Composite
Chromium III	24.60	Annually	Composite
Chromium VI	1.70	Annually	Composite
Chromium, Total	3.37	Annually	Composite
Copper	0.30	Annually	Composite

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Parameter	Monitoring Requirements		
	Local Limits mg/L	Sample Frequency by JWSC	Sample Type [3,4]
*Cyanide (categorical)	See Table 1	Annually	Grab
*Lead (categorical)	See Table 1	Annually	Composite
Mercury	0.0019	Annually	Composite
Molybdenum	0.13	Annually	Composite
Nickel	0.49	Annually	Composite
Selenium	0.10	Annually	Composite
Silver	0.30	Annually	Composite
Thallium	0.016	Annually	Composite
*Zinc (categorical)	See Table 1	Annually	Composite
Organic Pollutants			
*Acenaphthene (categorical)	See Table 1	Annually	Composite
Acrolein	0.047	Annually	Composite
Acrylonitrile	0.0085	Annually	Composite
Aldrin	0.0000017	Annually	Composite
*Anthracene (categorical)	See Table 1	Annually	Composite
Aroclor 1242	0.01	Annually	Composite
Aroclor 1254	0.005	Annually	Composite
*Benzene (categorical)	See Table 1	Annually	Composite
Benzidine	0.0000068	Annually	Composite
Benzo(a)Anthracene	0.00061	Annually	Composite
Benzo(k)Fluoroethene	0.00061	Annually	Composite
Benzofluoranthene,3,4-	0.00061	Annually	Composite
BHC-Alpha,a-	0.00017	Annually	Composite
BHC-Beta,b-	0.00058	Annually	Composite
*Bis(2-chloroethyl)Ether (categorical)	See Table 1	Annually	Composite
Bis(2-chloroisopropyl)Ether	2,206	Annually	Composite
Bis(2-chloromethyl)Ether	0.0005	Annually	Composite
Bis(2-ethylhexyl)Phthalate	0.27	Annually	Composite
Bromoform	0.23	Annually	Composite
Butylbenzyl Phthalate	195	Annually	Composite
Carbon Disulfide	0.06	Annually	Composite
*Carbon Tetrachloride (categorical)	See Table 1	Annually	Composite
Chlordane	0.00003	Annually	Composite
*Chlorobenzene (categorical)	See Table 1	Annually	Composite
Chlorodibromomethane	0.32	Annually	Composite
*Chloroethane (categorical)	See Table 1	Annually	Composite
*Chloroform (categorical)	See Table 1	Annually	Composite
Chloronaphthalene,2-	54.31	Annually	Composite
Chlorophenol,2-	5.09	Annually	Composite
Chrysene	0.00061	Annually	Composite
DDD,4,4'-	0.000011	Annually	Composite

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Parameter	Monitoring Requirements		
	Local Limits mg/L	Sample Frequency by JWSC	Sample Type [3,4]
DDE, 4,4'-	0.000075	Annually	Composite
DDT, 4,4'-	0.000034	Annually	Composite
Dibenzo(a,h)Anthracene	0.00061	Annually	Composite
*Dichlorobenzene, 1,2- (categorical)	See Table 1	Annually	Composite
*Dichlorobenzene, 1,3- (categorical)	See Table 1	Annually	Composite
*Dichlorobenzene, 1,4- (categorical)	See Table 1	Annually	Composite
Dichlorobenzidine, 3,3-	0.00095	Annually	Composite
Dichlorobromomethane	0.25	Annually	Composite
Dichlorodifluoromethane	0.04	Annually	Composite
*Dichloroethane, 1,1- (categorical)	See Table 1	Annually	Composite
*Dichloroethane, 1,2- (categorical)	See Table 1	Annually	Composite
*Dichloroethene, 1,1- (categorical)	See Table 1	Annually	Composite
*Dichloroethylene, trans-1,2- (categorical)	See Table 1	Annually	Composite
Dichlorophenol, 2,4-	9.84	Annually	Composite
Dichlorophenoxyacetic acid, 2,4- (2,4-D)	39.60	Annually	Composite
*Dichloropropane, 1,2- (categorical)	See Table 1	Annually	Composite
*Dichloropropylene, 1,3- (categorical)	See Table 1	Annually	Composite
Dieldrin	0.000018	Annually	Composite
*Diethyl phthalate (categorical)	See Table 1	Annually	Composite
*Dimethyl phthalate (categorical)	See Table 1	Annually	Composite
Dimethylphenol	28.85	Annually	Composite
*Di-n-butyl phthalate (categorical)	See Table 1	Annually	Composite
*Dinitro-o-cresol, 4,6- (categorical)	See Table 1	Annually	Composite
*Dinitrophenol, 2,4- (categorical)	See Table 1	Annually	Composite
Dinitrophenol, 2-Methyl-4,6-	9.5	Annually	Composite
Dinitrotoluene, 2,4-	0.12	Annually	Composite
Diphenylhydrazine, 1,2-	0.0068	Annually	Composite
Endosulfan Sulfate	3.02	Annually	Composite
Endosulfan, alpha-	0.00030	Annually	Composite
Endosulfan, beta-	0.00030	Annually	Composite
Endrin	0.000078	Annually	Composite
Endrin Aldehyde	0.010	Annually	Composite
*Ethyl benzene (categorical)	See Table 1	Annually	Composite
*Fluoranthene (categorical)	See Table 1	Annually	Composite
*Fluorene (categorical)	See Table 1	Annually	Composite
*Formaldehyde (local limit)	See Table 1	Annually	Composite
Heptachlor	0.000027	Annually	Composite
Heptachlor Epoxide	0.000020	Annually	Composite
*Hexachlorobenzene (categorical)	See Table 1	Annually	Composite
*Hexachlorobutadiene (categorical)	See Table 1	Annually	Composite
Hexachlorocyclopentadiene	37.34	Annually	Composite
*Hexachloroethane (categorical)	See Table 1	Annually	Composite

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Parameter	Monitoring Requirements		
	Local Limits mg/L	Sample Frequency by JWSC	Sample Type [3,4]
Indeno(1,2,3-cd)Pyrene	0.00061	Annually	Composite
Isophorone	32.59	Annually	Composite
Lindane	0.0054	Annually	Composite
Methyl Bromide (Bromomethane)	0.002	Annually	Composite
*Methyl Chloride (categorical)	See Table 1	Annually	Composite
Methyl ethyl ketone	249	Annually	Composite
*Methyl Isobutyl ketone (local limit)	See Table 1	Annually	Composite
*Methylene Chloride (categorical)	See Table 1	Annually	Composite
*Naphthalene (categorical)	See Table 1	Annually	Composite
*Nitrobenzene (categorical)	See Table 1	Annually	Composite
N-Nitrosodimethylamine	0.10	Annually	Composite
N-Nitrosodiphenylamine	0.20	Annually	Composite
PCBs	0.0000022	Annually	Composite
Pentachlorophenol	0.10	Annually	Composite
*Phenanthrene (categorical)	See Table 1	Annually	Composite
Phenol	20.78	Annually	Grab
*Pyrene (categorical)	See Table 1	Annually	Composite
Tetrachloroethane,1,1,2,2-	0.14	Annually	Composite
*Tetrachloroethylene (categorical)	See Table 1	Annually	Composite
*Toluene (categorical)	See Table 1	Annually	Composite
Toxaphene	0.0000068	Annually	Composite
*Trichlorobenzene,1,2,4- (categorical)	See Table 1	Annually	Composite
*Trichlorobenzene,1,1,1- (categorical)	See Table 1	Annually	Composite
*Trichlorobenzene,1,1,2- (categorical)	See Table 1	Annually	Composite
*Trichloroethylene (categorical)	See Table 1	Annually	Composite
Trichlorofluoromethane	1.23	Annually	Composite
Trichlorophenol,2,4,6-	0.081	Annually	Composite
*Vinyl Chloride (categorical)	See Table 1	Annually	Composite
Other Pollutants			
Surfactants	246	Annually	Composite
Sodium	615	Annually	Composite
Chloride	615	Annually	Composite

Refer to Notes for Table I.

(B) ADDITIONAL DISCHARGE PROHIBITIONS

- (1) A User may not introduce into any public sewer any pollutant(s), which cause pass through or interference of the POTW. These general prohibitions and the specific prohibitions in subsection (3) below apply to each User introducing pollutants into the POTW whether or not the User is subject to other national pretreatment standards or any national, state, or local pretreatment requirements.

- (2) No person shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, groundwater, roof runoff, subsurface drainage, noncontact cooling water, or unpolluted industrial process waters to any sanitary sewer.
- (3) Specific prohibitions: Except as herein provided, no person shall discharge any of the following described waters or wastes into any public sewer:

- (a) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees centigrade using the test methods specified in 40 CFR Part 261.21.
- (b) Pollutants which will cause corrosive or structural damage to the POTW or discharges with pH lower than 6.0 or higher than 10.0.
- (c) Solids or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.
- (d) Any pollutant, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration, which will cause interference with the POTW.
- (e) Pollutants exceeding the following parameters and concentrations:

<u>Parameter</u>	<u>Concentration mg/L</u>
BOD	1,000
TSS	1,000
TKN	100
Ammonia-N	50
COD	2,000

- (f) Wastewater having a temperature greater than one hundred four (104) degrees Fahrenheit (forty (40) degrees Celsius), or which will inhibit biological activity in the POTW resulting in interference. (*see Table 1 Note 7*)
- (g) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil that will cause interference or pass through at the POTW.
- (h) Pollutants that will result in the presence of toxic gases, vapors, or fumes within the POTW in quantities that may cause acute or chronic worker health and/or safety problems. Any noxious or malodorous gas or substance, capable of creating a public nuisance or preventing entry into sewers for their maintenance, inspection, and repair.
- (i) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- (j) Any water or waste that contains more than one hundred (100) milligrams per liter fat, oil, or grease, of animal or vegetable origin. (*see Table 1 Note 7*)

- (k) Any waters or waste containing in excess of one milligram per liter (1.0 mg/L) of any of the following hazardous or dangerous gases: hydrogen sulfide, sulfur dioxide, or nitrous oxide. *(see Table 1 Note 8)*
- (l) Any non-domestic waters, wastes or materials containing toxic organic and inorganic priority pollutants, unless issued a written permit by the Utility that provides numerical limits on the quantity of such pollutants. Such limits will be calculated based on national pretreatment standards, local conditions of the POTW, and the presence of any pollutants causing pass through or interference with the POTW.
- (m) Any radioactive materials except in compliance with applicable state or federal regulations.
- (n) Any concentrated dye wastes, or other wastes which are highly colored, and adversely affect the effluent of the POTW.
- (o) Detergents, surfactants, or other substances which may cause excessive foaming in the POTW or effluent.
- (p) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test.

(C) SPECIAL REQUIREMENTS

- (1) Accidental Discharge/Slug Control Plans: At least once every two (2) years, the JWSC shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Utility may require a User to develop, submit for approval, and implement such a plan. An accidental discharge/slug control plan shall address, at a minimum, the following:
 - (a) Description of discharge practices, including non-routine batch discharges;
 - (b) Description of stored chemicals;
 - (c) Procedures for immediately notifying the POTW superintendent of any accidental or slug discharge, as required by subsection 2-16-42(g) of the Ordinance; and
 - (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(D) MONITORING AND REPORTING

- (1) Representative Sampling
Samples and measurements taken as required herein shall be representative of the volume and nature of the entire permitted discharge.
- (2) Reporting

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The permittee shall submit monthly monitoring reports to the JWSC postmarked no later than the 15th day of the month following the reporting period. Any and all reports shall be submitted to the following address:

Wastewater Pretreatment Compliance Coordinator
Brunswick-Glynn County Joint Water and Sewer Commission
1703 Gloucester Street
Brunswick, GA 31520

An email copy shall also be submitted to Pretreatment Compliance Coordinator.

The permittee shall also comply with the applicable reporting requirements of 40 CFR 403.12.

Reports shall be signed by an authorized representative according to Part II.B.4 of this permit.

(3) Analytical Requirements

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

(4) Record Keeping

Users subject to the reporting requirements of this Article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities, instrumentation calibration, operation logs, reports, correspondence and sample logs required by this Article, records indication compliance with Best Management Practices (BMPs) and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Records shall include:

- (a) The date, exact place, method, and time of sampling;
- (b) The name of the person(s) taking the samples;
- (c) The date(s) and time(s) analyses were performed;
- (d) The person(s) who performed the analyses;
- (e) The analytical techniques or methods used;
- (f) The Georgia certified laboratory which performed the analyses; and
- (g) The results of such measurements and analyses.

(5) Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the discharge monitoring report. Such increased frequency shall also be indicated. The JWSC may require by written notification more frequent monitoring or monitoring of other pollutants not specified herein.

(6) Records Retention

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- (a) All records of monitoring activities and results required by this permit (including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records) shall be retained at the permitted facility for a minimum of three (3) years. The three-year period shall be extended:
 - (1) automatically during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or regarding promulgated effluent guidelines applicable to the permittee; or
 - (2) as requested by the Pretreatment Compliance Coordinator.
- (b) The permittee shall maintain and make available to the JWSC, records of disposal of all wastewater generated at the site. Such records shall include, but not be limited to, flow monitoring records, flow calibration records, and the volume and destination of all wastewater hauled off-site.
- (c) Any information submitted to the JWSC deemed confidential by the permittee shall be labeled as so and will be held in compliance with 40 CFR 403.14. Effluent data and all other information which is submitted to the State or JWSC shall be available to the public at least to the extent provided by 40 CFR 2.302.

(E) REOPENING CLAUSE

- (1) The Executive Director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - (a) failure to notify the Executive Director of significant changes to the wastewater prior to the changed discharge;
 - (b) failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - (c) falsifying self-monitoring reports;
 - (d) tampering with monitoring equipment;
 - (e) refusing to allow the Executive Director timely access to the facility premises and records;
 - (f) failure to meet effluent limitations;
 - (g) failure to pay fines;
 - (h) failure to pay sewer charges;
 - (i) failure to meet compliance schedules;
 - (j) failure to complete a wastewater survey or the wastewater discharge permit application;
 - (k) failure to provide advance notice of the transfer of business ownership of a permitted facility;
 - (l) refusal of reasonable access to the permittee's premises for the purpose of inspection or monitoring by the Pretreatment Compliance Coordinator or employee of the JWSC having regulatory jurisdiction, or;
 - (m) violation of any pretreatment standard or requirement, or any terms or the wastewater discharge permit

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

- (2) This permit shall be modified, or, alternatively, revoked and reissued, to comply with any

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applicable effluent limitation or standard issued or approved under Section 307(b) of the Clean Water Act, if the effluent limitation or standard so issued or approved:

- (a) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- (b) controls any pollutant not limited in the permit.

The permit, as modified or reissued under this paragraph, shall also contain any other requirements of the Act then applicable.

(F) DEFINITIONS

- (1) Daily Discharge
Discharge measured during a calendar day or any other 24-hour period that reasonably represents the calendar day for purposes of sampling.
- (2) Executive Director
The Wastewater Executive Director designated by the Brunswick-Glynn County Joint Water and Sewer Commission to supervise the operation of the JWSC, and who is charged with certain duties and responsibilities by this Article, or a duly authorized representative.
- (3) Maximum Daily Discharge Limitation
The highest allowable daily discharge for a calendar day or specified 24 hour period.
- (4) Monthly Average Discharge
The total mass or concentration of all daily discharges sampled and/or measured during a calendar month on which daily discharges are sampled and measured, divided by the number of daily discharges sampled and/or measured during such month.
- (5) Monthly Average (Discharge) Limitation
The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- (6) Interference
A discharge that, alone or in conjunction with a discharge or discharges from other sources, does one (1) of the following:
 - (a) Inhibits or disrupts the POTW, its treatment processes or operations, its sludge processes, or its selected sludge use or disposal methods.
 - (b) Causes a violation of any requirement of the POTW’s NPDES permit, including an increase in the magnitude or duration of a violation.
 - (c) Prevents the use of the POTW’s sewage sludge or its sludge disposal method selected in compliance with the following statutory provisions, regulations, or permits issued thereunder or more stringent state or local regulations:
 - (1) Section 405 of the Clean Water Act (33 U.S.C. 1345).
 - (2) The Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901), including:
 - (A) Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); and

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- (B) the rules contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA (42 U.S.C. 6941).
 - (3) The Clean Air Act (42 U.S.C. 7401).
 - (4) The Toxic Substances Control Act (15 U.S.C. 2601).
- (7) JWSC
The Brunswick-Glynn County Joint Water and Sewer Commission
- (8) Pass-through
A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the treatment plant's NPDES permit, including an increase in the magnitude or duration of a violation.
- (9) Pretreatment requirements
Any substantive or procedural requirement related to pretreatment imposed on an industrial User other than a pretreatment standard.
- 10) Pretreatment standards
Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- (11) Publicly Owned Treatment Works ("POTW")
A "treatment works", as defined by Section 212 of the Clean Water Act which is owned by the JWSC. This definition includes any devices or systems used in the collection, pumping, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- (12) User
The owner of a facility, and any person who operates the facility, who contributes, causes, or permits the discharge of wastewater into the sanitary sewer system. "User" and "Permittee" are used interchangeably.
- (13) Upset
An exceptional incident in which a discharger unintentionally and temporarily is in a state of non-compliance with any applicable standards due to factors beyond the reasonable control of the discharger, and excluding non-compliance to the extent caused by operator error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation of the facilities.

PART II — STANDARD CONDITIONS FOR INDUSTRIAL USERS

(A) RESPONSIBILITIES

(1) Duty to Comply

The permittee must comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA), Chapter 2-16 of the County Municipal Code and Chapter 22 of the City's Municipal Code, and is grounds for:

- (a) enforcement action;
- (b) permit termination, revocation and reissuance, or modification; or
- (c) denial of a permit renewal application.

A permittee may claim an affirmative defense to a permit violation; however, if the circumstances of the noncompliance meet the criteria of an upset as defined in Part II.A.7, the permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliant discharges. Additional monitoring is necessary to determine the nature and impact of the noncompliance discharge.

(2) Right of Entry

- (a) The Executive Director shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Article and any wastewater discharge permit or order issued hereunder. Users shall allow the Executive Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
- (b) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Executive Director will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (c) The Executive Director shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- (d) The Executive Director may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated semi-annually to ensure their accuracy.
- (e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Executive Director and shall not be replaced. The costs of clearing such access shall be born by the User.

3) Change in Discharge

The permittee must notify the Pretreatment Compliance Coordinator of any planned significant changes to the User's operations or system which might alter the nature, quality, potential for slug discharge or volume of its wastewater at least thirty (30) days before the change.

- (a) The User may be required to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.
- (b) The Pretreatment Compliance Coordinator may issue a wastewater discharge permit or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.

(4) Duty to Mitigate Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the POTW or to waters of the State resulting from noncompliance with the permit, including such accelerated or additional monitoring necessary to determine the nature and impact of the non-complying discharge.

(5) Noncompliance Notification

- (a) If the permittee does not or will not be able to comply for any reason with any discharge limitation specified in this permit as identified in Part I.A.1 the permittee shall provide the JWSC with the following information within **twenty-four (24) hours** of becoming aware of the noncompliance and written notification will be given within five working days.
 - (1) a description of the discharge and cause of noncompliance.
 - (2) the period of noncompliance, including exact dates and times of the noncomplying event and the anticipated time when the discharge will return to compliance.
 - (3) steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.
- (b) If the permittee has any unexpected, unintended, abnormal, or unapproved discharge from the facility into the POTW, the permittee shall report the discharge to the JWSC within **two hours** of discovery of the discharge.
- (c) The permittee shall repeat the sampling and analysis and submit the results of the repeat analysis to the JWSC within 30 days after becoming aware of the violation.
- (d) If the Georgia certified laboratory chosen by the permittee reports a violation in the results on any sampling, then the permittee will be considered in violation of their permit and fines or other measures may be taken against the permittee.

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- (e) If the Georgia certified laboratory chosen by the permittee reports a total of three results that are shown to be in error, then the permittee will no longer be able to use that laboratory for testing and reporting to the JWSC for permitted parameters.
- (f) The JWSC may require the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or non-routine discharges.

(6) Reports of Potential Problems

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the User shall immediately telephone and notify the Pretreatment Compliance Coordinator of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known and corrective actions taken by the User.
- (b) Within five (5) days following such discharge, the User shall, unless waived by the Executive Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Article.
- (c) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Control Authority within twenty-four (24) hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- (d) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A or C, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(7) Upset

- (a) An upset shall constitute an affirmative defense to an action brought for noncompliance with the pretreatment standards or requirements if the requirements of subsection (b) are met.
- (b) In order to establish an affirmative defense of upset, the permittee must provide properly

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signed, contemporaneous operating logs, or other relevant evidence of the following facts:

- (1) An upset occurred and the permittee can identify the cause of the upset.
- (2) The facility was being operated at the time in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
- (3) The permittee submitted the following information to the Pretreatment Compliance Coordinator within twenty-four (24) hours of becoming aware of the upset if this information is provided orally, a written submission must be provided within five (5) days:
 - (A) A description of the indirect discharge and cause of noncompliance.
 - (B) The period of noncompliance, including exact dates and times or the anticipated time the noncompliance is expected to continue if it is not corrected.
 - (C) Steps being taken or planned for reducing, eliminating, and preventing recurrence of the noncompliance.
- (c) In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset shall have the burden of proof.
- (d) The permittee will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with the pretreatment standards or requirements.
- (e) The permittee shall control production or all discharges to the extent necessary to maintain compliance with the pretreatment standards or requirements upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies when, among other things, the primary source of power of the treatment facility is reduced, is lost, or has failed.
- (8) Facilities Operation and Maintenance

The permittee shall at all times maintain in good working order and efficiently operate all facilities or systems (and related appurtenances) for collection and treatment that are installed or used by the permittee and necessary for achieving compliance with the terms and conditions of this permit.
- (9) Removed Substances

Waste solvents, waste chemicals, pretreatment sludge and residuals shall not be discharged to the public sewer. Records of proper disposal according to State and Federal law of these substances shall be kept and submitted to the Pretreatment Compliance Coordinator when requested.
- (10) Operator Certification

The person in responsible charge of the pretreatment facilities shall be certified by the State of Georgia as an Industrial or Class I, II, or III Wastewater Treatment Operator in accordance with the laws and regulations of the State. The User shall provide the JWSC with a list of all certified staff upon issuance of the Permit and each December thereafter. The permittee shall designate one (1) person as the certified operator with complete responsibility for the proper operations of

the wastewater treatment.

(B) ADDITIONAL RESPONSIBILITIES

(1) Permit Renewal

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. An application for a permit must conform to the following:

- (a) Be completed on a form prescribed by the Pretreatment Compliance Coordinator.
- (b) If applicable, the Slug Control Plan must be reviewed at the time of permit renewal and if no changes are required the permittee must submit a letter certifying that the current plan is adequate. Modifications to the originally approved Slug Control Plan must also be approved.
- (c) Be submitted to the Pretreatment Compliance Coordinator no later than ninety (90) days prior to the expiration date of an existing permit if the industrial user intends to continue discharging to the POTW.

(2) Permit Modification

The JWSC reserves the right to amend any wastewater permit to assure compliance with applicable laws and regulations, consistent with all applicable legal requirements and procedures for such amendment.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

The permittee must:

- (a) report to the Pretreatment Compliance Coordinator plans for or information about any activity that has occurred or will occur that would constitute cause for modification or revocation and reissuance;
- (b) comply with the existing permit until it is modified or reissued; and
- (c) abide by the Pretreatment Compliance Coordinator's decision:
 - (1) to modify or revoke and reissue the permit; and
 - (2) require submission of a new application.

(3) Permit Transferability

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 90 days in advance of the proposed transfer in accordance with the provisions of Section 22-41 of the Water and Sewer Ordinance. The permittee shall provide the new permittee with a copy of the said notification and its current Permit; and a written agreement between the permittee and new owner or operator which:

- (a) states that the new owner and/or operator has no immediate intent to change the facility's

operations and processes;

- (b) identifies the specific date on which the transfer is to occur;
- (c) acknowledges full responsibility for complying with the existing wastewater discharge permit; and
- (d) that the permittee is liable for violations of the Permit up to the date of transfer, and that the new permittee is liable for violations from the effective date of the transfer.

This agreement must be submitted to the JWSC at least 30 days in advance of the proposed transfer. The JWSC, in its sole discretion, may decline to transfer the Permit and, therefore, the JWSC will notify the current permittee and the new permittee within 30 days of the JWSC's intent to modify, revoke and reissue, or terminate the permit. The JWSC may require that the new owner/operator file a new application with the JWSC instead of agreeing to the transfer of the permit. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(4) Signature Requirements

All wastewater discharge permit applications or user reports submitted to the JWSC must be signed by an authorized representative of the User and shall contain the certification statement below.

(a) If the User is a corporation:

- (1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- (2) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct comprehensive measures to assure long-term environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) The individuals described in paragraphs 1 and 2, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the Pretreatment Compliance Coordinator.

(d) All other correspondence and reports shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative

only if:

- (1) If an authorization under subdivision (c) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subdivision (c) must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

- (e) Certification. Any person signing a document under this section shall make the following certification:

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

(5) Enforcement Responses

- (a) Notification of violation: When the Utility finds that a User has violated, or continues to violate, any provision of this Article, or a wastewater permit or order issued hereunder, or any other pretreatment standard or requirement, the Executive Director, or his designee, may serve upon said User written Notice of Violation by personal service or by registered or certified mail, return receipt requested. Within ten (10) days of the receipt date of the Notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Executive Director, or his designee. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Utility to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
- (b) Consent orders: The Executive Director is authorized to enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with a User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period also specified by the document. Such documents shall have the same force and effect as compliance orders issued pursuant to subsection (d), below, and shall be judicially enforceable.
- (c) Show cause hearing: The Executive Director may order a User which has violated, or continues to violate, any provision of this Article or wastewater permit or order issued hereunder, or any other pretreatment standard or requirement, to show cause why a proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the User. A show

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cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User including, but not limited to, immediate enforcement action.

- (d) Compliance order: When the Executive Director finds that a User has violated, or continues to violate, any provision of this Article or a permit or order issued thereunder, or any other pretreatment standard or requirement, the Executive Director may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time period. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may contain such other requirements to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.
- (e) Cease and desist order: When the Executive Director finds that a User has violated, or continues to violate, any provision of this Article or any permit or order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the Executive Director may issue an order to cease and desist all such violations and direct the User to:
- (1) Immediately comply with all requirements; and
 - (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

- (f) Administrative fines: Notwithstanding any other provision herein, when the Utility finds that a User has violated, or continues to violate, any provision of this Article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Utility may fine such User in an amount not to exceed one thousand dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation. Such assessments may be added to the User's next scheduled sewer service charge.
- (1) After a violation, the User will be responsible for reimbursement of the cost of subsequent testing performed by the Utility until the cause of such violation is identified and corrected by the User.
 - (2) Unpaid charges, fines, and penalties shall, after ten (10) calendar days, be assessed an additional penalty of seven percent (7%) of the unpaid balance, and interest shall accrue thereafter at a rate of seven percent (7%) per month. A lien against the User's real property will be sought for unpaid charges, fines, and

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penalties provided the owner of such real property is the person who incurred the charges.

- (3) Users desiring to dispute administrative fines must file a written request with the Executive Director seeking reconsideration of the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. When the Executive Director determines a request has merit, the Executive Director may convene a hearing on the matter within fifteen (15) days of receipt of such request from the User. In the event the User's appeal is successful, the payment shall be returned to the User without interest.
- (3) The Utility may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

(g) Emergency suspensions.

- (1) The Executive Director may immediately suspend the wastewater treatment service and/or wastewater permit of a User when such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.
- (2) A User notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Executive Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals or the environment. The Executive Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Executive Director that the period of endangerment has passed, unless termination proceedings set forth in subsection (h), below, are initiated against the User. A User who is the subject of a suspension order shall have the right to appeal to the Executive Director from such suspension, but such suspension shall remain in full force and effect pending such hearing and the decision of the Executive Director.
- (3) A User who is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Executive Director prior to the date of any show cause or termination hearing under subsection (c), above, or subsection (h), below

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

- (h) Termination of permit: Significant industrial users proposing to discharge into the POTW must first obtain a wastewater discharge permit from the Utility. A User who violates the

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following conditions of the Ordinance or a wastewater discharge permit or order, or any other pretreatment standard or requirement, or any applicable state or federal law, is subject to permit termination:

- (1) Violation of wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, or wastewater constituents and characteristics prior to discharge; or
- (4) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling.
- (5) Repeatedly violates the Ordinance.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under subsection (c), above, why the proposed action should not be taken. Exercise of this option by the Utility shall not be a bar to, or a prerequisite for, taking any other action against the User.

- (i) Termination of services: The Executive Director may order a User who violates, or continues to violate, the Ordinance, or allows an unauthorized discharge to enter the POTW, to show cause before the Executive Director as to why termination of services should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Executive Director regarding the termination of services, the reasons why the action is to be taken, and directing the User to show cause before the Executive Director why the proposed enforcement action should not be taken. The notice of the hearing shall be served by registered or certified mail, return receipt requested, at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

- (1) The Executive Director may take evidence and hear witnesses.
- (2) After the Executive Director 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 will be discontinued unless adequate treatment facilities, devices, or other related appurtenances are properly installed and/or operated. Further orders and directives as are necessary and appropriate may be issued.
- (3) Exercise of this option by the Utility shall not be a bar to, or a prerequisite for, taking any other action against the User.

(6) Judicial Remedies

When a User discharges sewage, industrial wastes, or other wastes into the wastewater disposal system contrary to the provisions of this Article, or violates, or continues to violate, any order or permit issued hereunder or any other pretreatment standard or requirement, the Utility may commence an action for appropriate legal and/or equitable relief in a court having jurisdiction over such matters.

(a) Injunctive relief: When the Utility finds a User has violated, or continues to violate, any provision of this Article or any order or permit issued hereunder, or any other pretreatment standard or requirement, the Utility may petition the court for the issuance of a preliminary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by the Ordinance on activities of the User. The Utility may seek also such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User including, but not limited to, nuisance abatement proceedings in a court of competent jurisdiction.

(b) Civil penalties.

- (1) A User who has violated, or continues to violate, any provision of this Article or any order or permit issued hereunder, or any other pretreatment standard or requirement, shall be liable to the Utility for a civil penalty of up to one thousand dollars (\$1,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation. In addition to the above described penalty, the Utility may recover reasonable attorneys' fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the POTW and Utility, and any economic benefit gained through the User's violation.
- (2) The Utility shall petition a court of competent jurisdiction to impose, assess, and recover such sums set forth in paragraph (1), above. In determining the amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

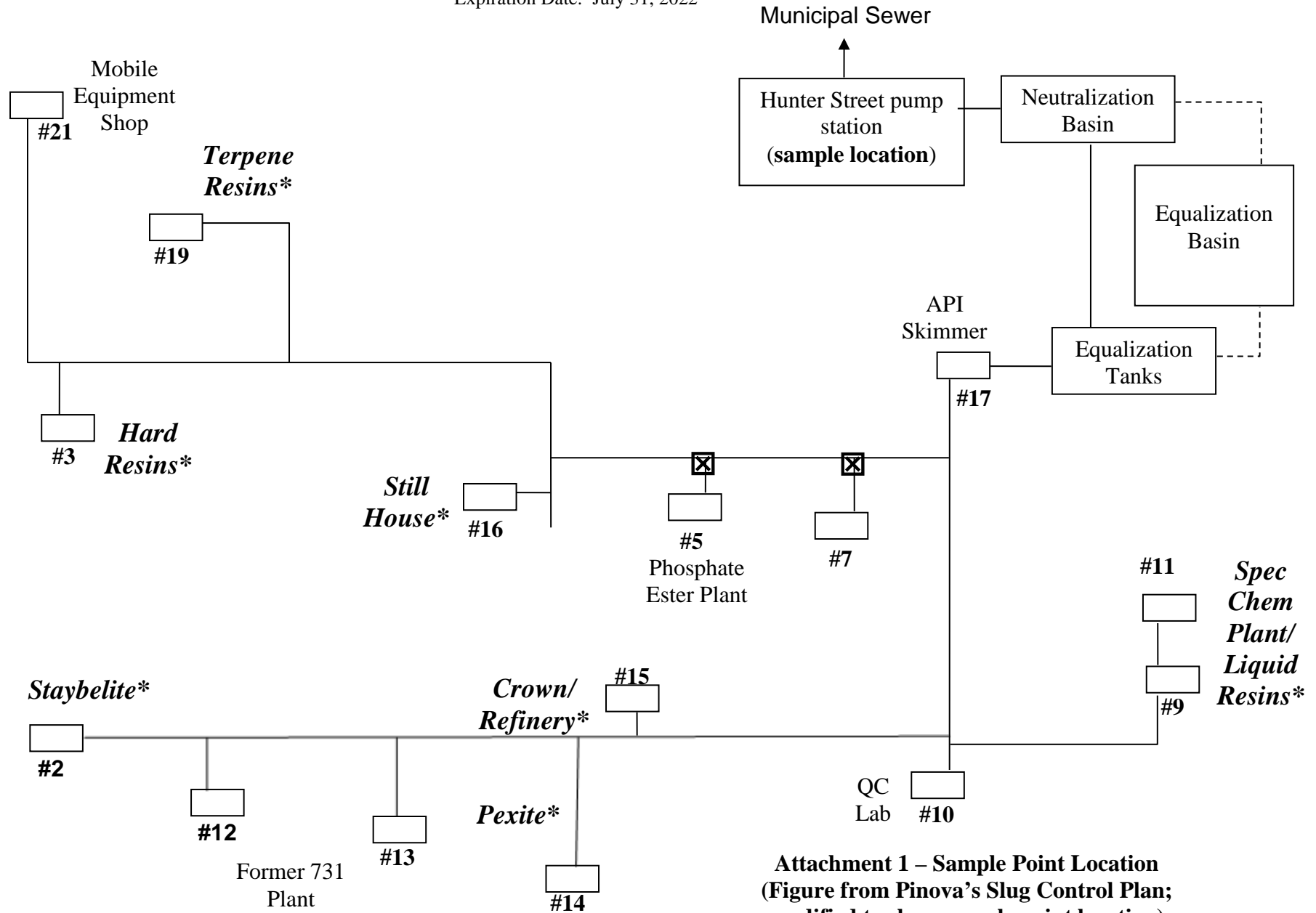
Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

(c) Criminal prosecution.

- (1) A User who willfully or negligently violates any provision of this Article, any orders or permits issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than sixty (60) days, or both.
- (2) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than sixty (60) days, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available to the Utility.

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- (3) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed, or required to be maintained, pursuant to this Article, wastewater permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Article shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than sixty (60) days, or both.
- (d) Remedies Nonexclusive: The remedies provided for in this Article are not exclusive. The Executive Director may take any, all, or any combination of these actions against a noncompliant User. The Executive Director may take other action against any User when the circumstances warrant. Further, the Executive Director is empowered to take more than one enforcement action against any noncompliant User.
- (7) Recovery of Costs Incurred
The Executive Director may recover reasonable attorneys' fees, court costs, and other expenses associated with permit non-compliance and enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the JWSC. Additionally, the Executive Director may recover reasonable costs associated with requests by the user for a permit modification and/or reissuance as a result of planned facility changes and/or anticipated noncompliance.
- (8) Severability
The provisions of this permit are severable and if any provision of this permit, or the application of any provision of this permit to any circumstances is to be held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.



**Attachment 1 – Sample Point Location
(Figure from Pinova’s Slug Control Plan;
modified to show sample point location)**