

## ARTICLE IV

### INDUSTRIAL WASTEWATER DISCHARGE PERMITS AND OTHER REQUIREMENTS

SECTION 4.01 Industrial Waste Discharge Permits. Each industrial user whose wastewater flow and/or wastewater strength is different from that of domestic waste must obtain an industrial waste discharge permit before connecting to or discharging into the County Sewer System. Each industrial user as determined by the Commissioner currently connected must obtain an industrial waste permit within 180 days after the effective date of these Rules and Regulations.

SECTION 4.02 Filing of Permit Application. Industrial users required to obtain an industrial waste discharge permit shall complete and file with the Department an application in the form prescribed by the Commissioner. The applicant may be required to submit the following information:

- (a) Name, address, location, (if different from the address)
- (b) Name and phone number of person to contact concerning industrial waste.
- (c) Average daily wastewater flow rates, including daily, monthly, and seasonal variations if any.
- (d) Wastewater constituents and characteristics of the sewage, industrial waste or other wastes discharged to the sewer system.
- (e) Time and duration of discharge.
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtanances by size, location and elevation.
- (g) Description of activities, facilities and plant processes on the premises including all materials processes and types of materials which are or could be discharged.
- (h) Each product produced by type, amount, process or processes and rate of production.
- (i) Type and amount of raw materials processed.
- (j) Number and type of employees, and hours of work.
- (k) Water consumption and uses.
- (l) Any other information as may be deemed by the Commissioner to be necessary to evaluate the permit application.
- (m) Completion of DEC Industrial Chemical Survey.

The Commissioner will evaluate the data furnished by the user and may require additional information. After evaluation and approval of all the data required, the Department may issue an industrial waste discharge permit subject to the conditions and terms provided herein.

SECTION 4.03 Permit Conditions. Industrial Waste Discharge Permits shall be expressly subject to all provisions of the Rules and Regulations and all other ordinances, regulations, charges and fees established by the Department. The conditions of the industrial waste discharge permit shall be uniformly enforced by the Commissioner in accordance with the Rules and Regulations, and applicable state and federal regulations. The permits may contain the following:

- (a) Effluent limitations or other appropriate limitations when toxic substances are present in the users wastewater discharge.
- (b) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number types and standards for analytical tests and reporting schedule.
- (c) Requirements for submission of reports for conditions of non-compliance.
- (d) Requirements for submission of technical reports or discharge reports.
- (e) Pretreatment requirements.
- (f) Requirements for the submission of information concerning the disposal of waste material separated from the authorized discharge.
- (g) Requirements for the installation of inspection and sampling manhole.
- (h) Schedule of compliance allowing reasonable time to conform with the effluent limitations of these Rules and Regulations.
- (i) Limits on the average and maximum wastewater constituents, flow rates, and time of discharge.
- (j) Requirements for maintaining plant records relating to wastewater discharge as specified by the Department, and affording Department access thereto.
- (k) The computation and requirement for payment of the industrial waste surcharge.
- (l) Other conditions as deemed appropriate by the Department to insure compliance with these Rules and Regulations.

SECTION 4.04 Duration of Permits. Industrial Waste Discharge Permits shall be issued for a specified period of time, not to exceed three (3) years. A permit may be issued for a period less than one(1) year or may be stated to expire on a specified date. If the permittee is not notified by the Department thirty (30) days prior to the expiration of the permit, the permit shall be extended one (1) additional year. The terms and conditions of the permit may be subject to modification and change by the Department during the life of the permit as limitations or requirements as identified in Sections 3.06 and 3.07 are modified or changed. The permittee shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

SECTION 4.05 Transfer of a Permit. Industrial Waste Discharge Permits are issued to a specific user for a specific operation. In the event of any change in ownership of the industrial facility, the permittee shall notify the new owner of the existence of the permit by letter, a copy of which shall be forwarded to the Commissioner. If the operations and processes are to remain the same, the permit will be effective for the owner. A new industrial waste discharge permit must be issued to the new owner and facility if any other changes are made other than the control of ownership.

SECTION 4.06 Suspension, Modification or Revocation of Permits.

Industrial Waste Discharge Permits may be modified, suspended or revoked where the Commissioner finds after a hearing held in conformance with the procedures set forth in Article VI.:

- a. a violation of any term of the permit, or any order or determination of the Commissioner promulgated under the Rules and Regulations;
- b. that the permit was obtained by misrepresentation or failure to disclose fully all relevant facts; or
- c. a change in conditions or the existence of a condition which requires either a temporary or permanent reduction or elimination of the authorized discharge.

SECTION 4.07 Monitoring Facilities. Users who discharge, who propose to discharge, or who in the judgement of the Commissioner could discharge now or in the future, wastewater with constituents and characteristics different from that produced by a domestic premise shall be required to install a monitoring facility.

When, in the judgement of the Commissioner, there is a significant difference in the wastewater constituents and characteristics produced by different operations of a single user, the Commissioner may require that separate monitoring facilities be installed for each discharge.

Monitoring facilities are to be constructed at a common location into which all flows from the user are combined. Sanitary wastewater may be excluded. Whenever the installation of a monitoring facility in a common location is impossible or impractical, the user shall construct and maintain at the user's expense, in lieu of one common monitoring facility, two or more monitoring facilities as required by the Commissioner.

Monitoring facilities that are required to be installed shall be constructed, operated and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewaters produced by the user. If sampling and metering equipment is also required by the Department, it shall be provided, installed, operated and maintained at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside of the building. If the monitoring facility is inside the user's fence, there shall be accommodation to allow safe and immediate access for the Department personnel such as a gate secured with a Department lock. There shall be ample room in or near such facility to allow accurate sampling and composition of samples for analysis. The entire facility and the sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the user. In the event that no special monitoring facility is required, sampling shall be conducted at a point or points selected by the Commissioner.

SECTION 4.08 Inspection and Sampling. The Commissioner and other authorized employees of the Department and employees of the EPA and DEC bearing proper credentials and identification shall be permitted to enter all properties at all reasonable times for the purpose of inspection, observation, sampling, flow measurement and testing to ascertain compliance with the Rules and Regulations. The Department shall have the right to set up on the user's property such devices as are necessary to conduct sampling or flow measurement. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary

arrangements so that upon presentation of suitable identification, personnel from the Department will be permitted to enter without delay for the purposes of performing their specific responsibilities.

SECTION 4.09 Pretreatment. Where necessary, in the opinion of the Commissioner, users shall make wastewater acceptable under the limitations established by these Rules and Regulations and by Section 307 of the Federal Act before discharging into the County sewer system. Any facilities required to pretreat wastewater to a level acceptable to the Department shall be provided and maintained at the user's expense. Detailed plans showing pretreatment facilities and operating procedures shall be submitted to the Commissioner for review, and shall be approved by the Commissioner before construction of the facility. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of these Rules and Regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the Department. When pretreatment regulations are adopted by EPA or DEC for any industry, then that industry must immediately conform to the EPA or DEC timetable for adherence to Federal or State pretreatment requirements and any other applicable requirements promulgated by USEPA or NYSDEC in accordance with Section 307 of the Federal Act. Additionally, such industries shall comply with any other stringent standards necessitated by local conditions as determined by the County.

SECTION 4.10 Accidental Discharge (a) Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by these Rules and Regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Commissioner for review, and shall be approved by the Department before construction of the facility. (b) Users shall notify the Department immediately upon discharging wastes in violation of these Rules and Regulations due to (1) breakdown of pretreatment equipment, (2) accidents caused by human error or negligence or mechanical failure, (3) other causes, such as acts of nature, to enable countermeasures to be taken by the Department to minimize damage to the County sewers, treatment facilities, treatment processes and receiving waters.

The Commissioner shall be notified within five (5) days of the date of occurrence by a detailed written statement describing the causes of the discharge and the measures being taken to prevent future occurrences.

Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment facility, or treatment process, or for any fines imposed on the Department on account thereof under Section 309 of the Federal Act, or any liability for civil penalties under Section 7.01.

SECTION 4.11 Confidential Information. Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is



able to demonstrate to the satisfaction of the Commissioner at the time the information is submitted that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this law, the National Pollutant Discharge Elimination System (NPDES) Permit, State Pollutant Discharge Elimination System (SPDES) or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Information accepted by the Commissioner as confidential shall not be transmitted to any governmental agency or the general public by the Commissioner until and unless a ten (10) day notification is given to the User. Wastewater constituents and characteristics will not be recognized as confidential information. All requests for information shall be made through the Public Information Officer of the County.

SECTION 4.12 Special Arrangements. No statement in these Rules and Regulations shall be construed as preventing any special agreement between the Commissioner and any industrial concern whereby an industrial waste of unusual constituents or characteristics may be accepted by the Commissioner for treatment subject to the proper payment by the industrial user.

SECTION 4.13 Notice to Employees. In order that employees of the users be informed of Department requirements, users should make available to their employees copies of these Rules and Regulations together with such other wastewater information and notices which may be furnished by the Department from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of these Rules and Regulations.

SECTION 4.14 Analytical Procedures. All measurements, tests and analyses of the constituents and characteristics of waters and wastes to which reference is made in these Rules and Regulations shall be determined in accordance with the latest editions of Standard Methods for the Examination of Water and Wastewater and the Methods for Chemical Analysis of Water and Waste and the latest version of 40 CFR Part 136, Analysis of Pollutants.