***SECTION III-A***

# SAMPLING, ANALYSIS & REPORTING REQUIREMENTS

1. Representative Sampling

Samples and measurements, taken as required herein, shall be taken at such times as to be representative of the quantity and quality of the discharges during the specified reporting periods within this permit.

1. Automatic Resampling

If sampling performed by the permit holder indicates a violation of any condition or limitation of this permit, the permit holder shall verbally notify the Division of Utilities & Solid Waste Management (DUSWM) within 24 hours of becoming aware of the violation. **The permit holder shall also repeat** **the sampling and analysis**, and submit the results to the DUSWM within 30 days after becoming aware of the violation. The permit holder is not required to resample if the DUSWM performs the sampling at the permit holder's facility at a frequency of at least once per month, or if the DUSWM performs sampling at the permit holder's facility between the time when the permit holder performs its initial sampling and the time when the permit holder receives the results of this sampling.

1. Additional Sampling

If the permit holder monitors any pollutant at the locations designated herein more frequently than required by this permit, using approved analytical methods as specified below, the results of this monitoring shall be included in the quarterly monitoring report.

1. Sampling and Analysis Methods

The analytical methods used by the permit holder or the contract laboratory shall conform to procedures for sampling and analysis of pollutants as identified in 40 CFR Part 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants" and amendments thereto.

1. Monitoring Equipment Maintenance

The permit holder shall, as recommended by the manufacturer, periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation to insure accuracy of measurements. Copies of calibration records shall be submitted to the DUSWM with the quarterly compliance reports.

1. Data Recording and Records Retention Requirements

All records and information resulting from the monitoring activities required by this permit, including all records of analysis performed, calibration and maintenance of instrumentation, and original recordings from continuous monitoring instrumentation shall be retained by the permit holder for a minimum of three years. This period shall be automatically extended during the course of litigation, or when requested by the DUSWM. Where measurements or samples are taken pursuant to the requirements of this permit, the permit holder shall record the following information:

1. Chain-of-custody documentation must include the exact date(s), time(s), place of collection, and sample collector's name, or initials.
2. Laboratory results must include date and time the sample was received at the analysis laboratory, the name of analyst, method code used for analysis, the detection limit, and sample preservation method. Sample analysis reports shall indicate laboratory or field analysis.
3. All field analyses shall be documented with name of analyst, method code, date and time, and any results or observations. (NOTE: Field observations shall include, but not be limited to, pH and other field analysis results.)
4. Periodic Compliance Reports

Periodic Compliance Reports shall be submitted to the DUSWM on a periodic basis in accordance with the special conditions listed in the permit. Reports are due no later than the 15th day of the month following the end of the reporting period. Periodic Compliance Reports shall include, but not be limited to, the following:

1. Copies of any sample collection, chain-of-custody records and laboratory analysis reports, conducted during the monitoring period, containing data as specified above in the Data Recording and Records Retention Requirements;
2. Wastewater flows discharged to the POTW as specified under the special conditions of this permit. As necessary, the permit holder shall install a flow meter and report beginning and ending totalizer readings. Copies of any flow charts, reports and data from metering devices, if applicable, shall be submitted and be maintained on-site. Records must be readily available for inspection any time;
3. OFF-SITE waste disposal report, listing the date of disposal, the hauler, the amount of waste disposed of and the site of disposal;
4. Copies of calibration records as described under the Monitoring Equipment Maintenance section of this permit.

Periodic Compliance Reports shall also describe significant operating problems that were identified during the reporting period. Preventive maintenance procedures such as calibration of equipment and/or meters, and any and all corrective action(s) taken or planned shall also be noted. Operational or management problems resulting in a failure of the permit holder to meet specific requirements within this permit shall also be detailed in this report.

1. Report Certification

All applications, reports, data or information submitted to the DUSWM shall contain the following statement, and must be signed by the ***authorized signatory representative.***  The authorized signatory representative of the permit holder shall be the principal executive officer of at least the level of Vice President. The duly authorized representative of the individual described above may be delegated if this authorization is made IN WRITING by an executive officer of the appropriate level, to the DUSWM. If this delegation changes, the permit holder must submit a new delegation as soon as the change is known.

**"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 did properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."**

1. Report Submission

Reports, as required above, shall be submitted to the DUSWM at the address listed below and must be postmarked no later than the 15th day of the month following the end of the monthly reporting period. All reports shall be signed and certified as specified above.

Industrial Pretreatment Compliance Specialist

Frederick County DUSWM

4520 Metropolitan Court

Frederick, MD 21704

***SECTION III-B***

# GENERAL CONDITIONS

1. General

The discharge of wastewater into any sewerage system owned or operated by the DUSWM shall conform with all provisions within the Industrial Waste Ordinance of Frederick County (92-12-047) and more stringent limitations as specified within the Federal or State regulations. Furthermore, the regulations within this permit are not intended to limit the requirements within that Ordinance.

1. Definitions

Unless otherwise specifically indicated, all phrases or designations and definitions used in this permit shall have the same meanings as identified in Article II of the Frederick County Industrial Waste Ordinance (92-12-047).

1. Severability Clause

The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provisions to other circumstances, and the remainder of this permit, shall not be affected thereby.

1. Notification of Changed Discharge

The permit holder shall promptly notify the DUSWM in advance of any substantial change in volume or character of pollutants in their discharge, in accordance with Article IV, Section 7.0 of the Frederick County Industrial Waste Ordinance (92-12-047). Anticipated facility expansions, production increases or modifications, including a change in cleanup or washdown procedures, which would result in new, different, or an increased discharge of pollutants, shall be considered a substantially changed discharge. Following such notice, the permit may be modified by the DUSWM to specify and limit any pollutants not previously limited.

1. Penalties for Violation of Permit Conditions

The DUSWM or its agents shall have the power to take all lawful action to prevent or abate violations of either this permit or the Industrial Waste Ordinance of Frederick County (92-12-047). Should any condition within this permit be violated, the DUSWM may take all appropriate enforcement action deemed necessary.

***SECTION III-C***

# PROHIBITIVE STANDARDS

No user shall contribute or cause to be contributed, directly or indirectly, to the POTW, any pollutant, substance, or wastewater, which will cause interference with the operation, or pass-through the POTW facilities or the wastewater treatment process.

# SPECIFIC PROHIBITIONS

1. Wastewater having a pH of less than 5.0 or greater than 12.0 is strictly prohibited. The permit holder is limited to wastewater discharge having a pH range of 5.0 ‑ 12.0 pH units. Periodically and as necessary, the DUSWM may check the pH of all Users’ discharge for its ability to cause deposits and obstructions within the collection system.

2. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in the amounts that will cause an interference with, or pass-through.

3. Fats, wax, grease, or oil, whether emulsified or not, in excess of the receiving POTWs established local limit. These include discharges which may solidify or become viscous thereby causing an obstruction to the flow to, or within the treatment facility; or in any way would inhibit, or interfere with the receiving facility's grease handling equipment, or the treatment process itself.

4. Pollutants which create a fire or explosion hazard within the POTW including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21. Also prohibited shall be those pollutants which cause an exceedence of 10% of the LEL at any point within the POTW.

5. Any slug load, as defined in the Frederick County Industrial Waste Ordinance (92-12-047).

6. Any discharges containing detergents, surface-active agents, or other substances which may cause excessive foaming within the POTW.

7. Wastewater at such temperatures that the biological activity within the receiving POTW will be inhibited to the point that interference with the treatment process results. In no case shall wastewater be discharged in such quantities and temperatures that the temperature at the POTW treatment facility will exceed 104°F (40°C) unless the DUSWM has received a previously approved alternate temperature limit from the Maryland Department of the Environment.

8. Any solid or viscous substance capable of causing obstructions to or interferences with the proper operation of the treatment system including, but not limited to, the following substances: garbage that has not been properly comminuted or shredded, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar plastics, wood and paunch manure.

9. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity which may cause acute worker health and safety problems.

10. Noxious or malodorous gases or substances, which either singly or by interaction with other waste has the capability of creating a public nuisance, creates a hazard to human and animal life, or prevent the entry, for any reason, of POTW personnel into the sewers for maintenance, repairs, and sampling.

11. Solids or liquids of such a character and quantity that special or unusual attention is required for their handling.

12. Pollutants, which may affect the POTW's final effluent such that it would cause a violation of the NPDES permit requirements including, but not limited to, the failure of a toxicity test.

13. Pollutants in amounts, which would cause the POTW's treatment plant to be in non-compliance with sludge use, recycling, or disposal criteria pursuant to the guidelines and regulations developed under Section 405 of the Federal Act, the SWDA, the Clean Air Act, the Toxic Substances Control Act or other regulations or criteria for sludge management and disposal as required by the State, and as may be amended from time to time.

14. Wastewater containing color, which is not removed in the treatment process. This shall include color in such amounts that the regulation of the biological, chemical or the physical treatment process could be affected.

15. Medical or infectious wastes that, in the opinion of the DUSWM, could impact the operation or efficiency of the POTW in any way.

16. Trucked or hauled pollutants with the exception of those substances which are received and disposed of at septage receiving points as designated by the DUSWM (see Article VII of the Frederick County Industrial Waste Ordinance 92-12-047).

17. Wastewater having effluent characteristics in excess of those limits listed within the Frederick County Industrial Waste Ordinance (92-12-047) or in excess of the limits listed within this Permit or any other Independent Administrative Order issued by the DUSWM, the Maryland Department of the Environment, or other regulatory agency.

18. Users applying for a discharge permit for a process which produces waste of a radiological nature shall adhere to the State of Maryland waste disposal regulations on ionizing radiation.

***SECTION III-D***

## OTHER PROHIBITIONS

1. Dilution Prohibition/Excessive Discharge

Except where expressly authorized to do so by an applicable pretreatment standard or requirement, the permit holder shall not increase the use of potable or process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. Where applicable, the county may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements. Frederick County may also impose mass limitations where the imposition of mass limitations is appropriate.

1. Treatment Facility Bypass Prohibition

Bypass is prohibited unless it is unavoidable to prevent the loss of life, personal injury, severe property damage, and no feasible alternatives to bypass exist. The permit holder must provide adequate notice of the bypass to the DUSWM. The permit holder may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. Such a bypass is not subject to the bypass notification provisions below.

***SECTION III-E***

**RESPONSIBILITIES**

1. Duty to Comply

The permit holder shall comply with all conditions set forth within the Frederick County Industrial Waste Ordinance (92-12-047), or any permit or Order issued thereunder. Failure to comply with the requirements of this permit may be grounds for administrative action or enforcement proceedings including civil or criminal penalties, injunctive relief, and summary abatements.

1. Duty to Provide Information

The permit holder shall furnish to the DUSWM, within 30 days upon request, any information which the DUSWM may require or request; to be used to determine whether cause exists for modifying, revoking, reissuing, or terminating this permit; or to determine compliance with this permit. The permit holder shall also furnish to the DUSWM, upon request, copies of all records required to be kept by this permit.

1. Duty to Reapply

Should the permit holder wish to continue any activity or process regulated by this permit after the expiration date of this permit, the permit holder shall submit to the DUSWM an application to obtain a new permit. The permit application and all subsequent supporting data and information must be submitted to the DUSWM no later than 90 days prior to the expiration date listed in this permit. In the event that a timely and sufficient reapplication has been made and the DUSWM is unable, through no fault of the permit holder, to issue a new permit before the expiration date of this permit, the terms and conditions of this permit shall be automatically continued and remain fully effective and enforceable. Should the permit holder fail to reapply in the required time, all appropriate enforcement action shall be taken by the DUSWM.

1. Duty to Halt or Reduce Activity

Upon reduction of the efficiency of operation or loss or failure of all or part of the treatment facility, the permit holder shall, to the extent necessary to maintain compliance with this permit, control production and/or discharges until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced.

1. Maintenance and Operation of Pretreatment Facilities

The permit holder shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances including, but not limited to, flow measurement devices, which have been installed or used by the permit holder to achieve compliance with the conditions of this permit. Proper operation and maintenance include, but is not limited to, effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this permit.

1. Duty to Mitigate

The permit holder shall take all steps to minimize or correct any adverse impact resulting from non-compliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and the impact of non-complying discharge.

1. Proper Disposal of Solids/Sludges

The permit holder shall dispose of any solids, sludges, or other pollutants removed in the course of treatment or control in accordance with Section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

1. Notification of Bypass

Should the permit holder know in advance of the need for a bypass, it shall submit written notice at least ten days before the date of the bypass to the DUSWM. In the event of an unanticipated bypass, the permit holder shall, upon discovery, within 24 hours notify the DUSWM and submit written notice within five days. This report shall provide a description of the bypass, its cause and duration, whether the bypass has been corrected, and the steps taken or to be taken to reduce, eliminate, and prevent a recurrence of the bypass.

1. Inspection and Entry

The permit holder shall allow the DUSWM, or an authorized representative, upon the presentation of credentials, to:

1. Enter the permit holder's premises where a regulated facility or activity is located or conducted, or where records must be kept under any applicable laws and regulations, or the provisions of this permit;
2. At reasonable times, have access to, and copy any records that must be kept under any applicable laws and regulations, or the provisions of this permit;
3. Inspect at reasonable times any facility, equipment, practices, or operations, regulated or required under any applicable laws and regulations or, the provisions of this permit;
4. Sample or monitor, at any time, any wastewater discharge to the POTW that is occurring, for the purpose of determining permit compliance; and
5. Inspect and photograph any production, manufacturing, fabricating, or storage areas where pollutants, regulated under the permit, could originate, are stored, or be discharged to the sewer system. Any photograph taken shall be accorded confidential business protection as provided in Article IV, Section 10.1 of the Frederick County Industrial Waste Ordinance (92-12-047).
6. Upset Provision:

An upset shall be defined as an exceptional incident in which there is a substantial unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the permit holder. An upset shall not include noncompliance to the extent caused by operational errors, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operations. Permit holders wishing to use an upset provision as an affirmative defense to an action brought for noncompliance with categorical pretreatment standards, shall demonstrate through properly signed, contemporary operating logs, or other relevant evidence that:

1. An upset occurred and the permit holder can identify the cause(s) of the upset;
2. The facility was, at the time, being operated in a prudent and workmanlike manner, and in compliance with applicable operation and maintenance procedures;
3. The permit holder has submitted the following information to the POTW and the control authority within 24 hours of becoming aware of the upset:
4. A description of the discharge that was the cause of noncompliance;
5. The period of noncompliance, including exact dates and times. If the noncompliance is not corrected, the anticipated time that noncompliance is expected to continue shall be reported.
6. The steps being taken or planned, to reduce, eliminate, and prevent any recurrence of the noncompliance.
7. Reporting of Non-compliance including, but not limited to, the following:

• Exceeding discharge limitations,

• slug loadings/accidental spills

• upsets including the discharge of hazardous waste.

In case of an accidental discharge to the collection system that would violate any provision of this permit, the permit holder shall immediately notify the DUSWM of the incident. Notification shall include the location of the discharge, the type and concentration of discharge, and the corrective action taken. Notification shall be made immediately to the Frederick County DUSWM at 301‑600‑1825 between 7:30 a.m. and 4:00 p.m. After hours, weekends, and holidays, notification shall be made to 301‑600‑2194. Any discharge of a substance, which, if otherwise disposed of, would be considered a hazardous waste under 40 CFR 261, must also be reported to the proper State and Federal authorities as required by 40 CFR 403.12 (P) (1). In addition, within five days the permit holder shall provide the DUSWM with the following information in writing:

1. Description and cause of the non-complying discharge, slug loading, accidental spill, or upset, including the type of discharge (continuous, batch, or other);
2. Anticipated time the condition of non-complying discharge is expected to continue or if such condition has been corrected and the duration of the period of noncompliance;
3. Steps taken by the permit holder to reduce and eliminate the non-complying discharge, slug loading, accidental spill, or upset:
4. Steps to be taken by the permit holder to prevent a recurrence of the non-complying discharge, slug loading, accidental spill, or upset; and
5. A description of accelerated or additional monitoring by the permit holder to determine the nature of the non-complying discharge, slug loading, accidental spill, or upset.

###### ***SECTION III-F***

**PERMIT ACTION AND ENFORCEMENT**

1. Permit Action

This permit may be modified, revoked and reissued, or terminated for good cause including, but not limited to, the following:

1. To incorporate any new or revised Federal, State or local pretreatment standards or requirements;
2. Material or substantial alterations or additions to the permit holder's operation or discharge volume or characters which were not considered in drafting the effective permit;
3. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharges;
4. Information indicating that the permit holder's discharge poses a threat to the collection and treatment system, POTW personnel, or the receiving waters;
5. Violation of any terms or conditions of this permit;
6. Misrepresentation or failure to disclose fully, all relevant facts in the permit application or any required reporting;
7. To correct typographical or other errors in the permit;
8. To reflect transfer of the facility ownership and/or operation to a new owner and/or operator;
9. To increase or decrease monitoring and/or reporting frequencies; or
10. Upon request of the permit holder, provided that such a request does not create a violation of any existing applicable requirements, standards, laws, or rules and regulations. The filing of a request by the permit holder for a permit modification, revocation and re-issue, or termination, or a modification of planned changes or anticipated non-compliance, does not stay any permit condition.
11. Falsifying Information

Knowingly making any false statement on any report or other document required by this permit or knowingly rendering any monitoring device or method inaccurate is a crime and may result in the imposition of criminal sanctions and/or civil penalties.

1. Permit Appeals

The permit holder may petition the Division of Utilities and Solid Waste Management to appeal any term, condition or requirement of this permit within 30 days of issue. This petition must be in writing. In the petition, the permit holder must indicate the permit provisions objected to, the reasons for the objection, and the alternate condition, if any, it seeks to be placed in the permit. The effectiveness of this permit shall not be stayed pending the appeal. If, after considering the petition and any arguments put forth by the Department of Regulatory Compliance, DUSWM determines that reconsideration is proper, it shall remand the permit back to the Department of Regulatory Compliance for re-issue. Those provisions being reconsidered by the DUSWM, on remand, shall be stayed pending re-issue. Failure to submit a petition for review shall be deemed to be a waiver of the appeal.

1. Permit Termination

This permit may be terminated for falsifying self‑monitoring reports, tampering with monitoring equipment, refusing to allow timely access to the facility premises and records, failure to meet effluent limitations, failure to pay fines, failure to pay sewer charges, or failure to meet compliance schedules.

1. Transfer of Ownership or Control of Facilities

This permit is issued to a specific user for a specific operation and is not assignable to another user or transferable to any other location without prior written approval of the DUSWM. In the event of any change in ownership or control of the facility, the permit holder shall give at least 30 days advance notice to the DUSWM, including written certification by the new owner stating there is no immediate intent to change the facility's operations or processes and acknowledgment of full responsibility for compliance with the existing permit and identification of the specific date on which the transfer is to occur.

1. Confidential Information/Availability of Reports

In accordance with 40 CFR Part 2 (Public Information) and Article IV, Section 10, of the Industrial Waste Ordinance of Frederick County (92-12-047), any information may be claimed as confidential by the submitter. Any such claim must be made at the time of submission. Effluent information and data is not considered confidential and shall be available for public inspection at the offices of the DUSWM, the Maryland Department of the Environment, and the Regional Administrator of the Environmental Protection Agency.

1. Property Rights

The issue of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of federal, state, or local laws or regulations.

1. Action on Violations

The issue or reissue of this permit does not constitute a decision by the DUSWM not to proceed in an administrative, civil, or criminal action for any violation of DUSWM law or regulation occurring before the issue or reissue of this permit, nor is it a waiver of the DUSWM's right to do so.