

**ACTION ITEM
BOARD OF SUPERVISORS**

DATE: April 1, 2008

TO: Board of Supervisors

FROM: Robert E Bos, P E *RB*
Director of Utilities

ISSUE: Amend Chapter 25, Article X, of the County Code Regarding Sewer Use Standards

RECOMMENDATION: Approval

BUDGET IMPACT: N/A

ATTACHMENTS: (2)

[1] Background Report [2] Reso/Ord/Proc # 008-26

[] [] Reso/Ord/Proc #

[] [] Reso/Ord/Proc #

REVIEW: [X] County Administrator's Office *[Signature]*

[X] Legal *[Signature]*

[] Budget

- [] Consent Agenda
- [] Discussion Item
- [] New Business
- [] Other Business
- [] Presentation
- [X] Public Hearing
- [] Unfinished Business

PRESENTATION BY: Robert E Bos, Director of Utilities

ELECTION DISTRICT. N/A

BACKGROUND REPORT

The National Pretreatment Program is part of the Clean Water Act's water pollution control program. The program regulates industrial and commercial sources of pollutants discharged to municipal wastewater treatment facilities. The goal of the program is to minimize the possibility of pollutants interfering with the operation of the treatment facility and reducing the level of toxic pollutants in the discharge from the wastewater treatment facility as well as in the sludge generated by the treatment facility.

In 1995, Stafford County adopted Ordinance O95-27 which repealed the existing Sewer Use Standards and added a new Article X, Sewer Use Standards, which incorporated the federally-mandated requirements of the National Pretreatment Program. In addition, the Board of Supervisors, by Resolution R95-358, established limits for a number of pollutants that might be discharged into the sanitary sewer system. These limits have been incorporated into industrial discharge permits issued by the County to Colonial Circuits and to the Camp Barrett area of Marine Corps Base Quantico.

In 2005, the Environmental Protection Agency promulgated the Streamlining Rule which revises several provisions of the General Pretreatment Regulations found at 40 CFR Part 403. The revisions are intended to reduce the overall regulatory burden on both industrial users and on the control authorities (the County and the State) without adversely affecting environmental protection. The revisions also allow the control authorities to focus resources on industrial dischargers with the greatest potential for affecting the wastewater treatment facility operation or the environment.

The majority of the regulatory changes in the Streamlining Rule are not required to be adopted. However, there are several streamlining-related changes that are more stringent than the previous Federal requirements and therefore must be adopted by the state and/or the locality. These include (those requiring changes to our ordinance are in bold).

- ❖ Updated requirements that localities must meet to adjust removal credits for combined sewer overflows. This only requires State action.
- ❖ Inclusion of applicable slug control requirements. This is already included in the County Code at Section 25-229, Reports of potential problems.
- ❖ Significant Industrial Users (SIUs) must be evaluated for the need for a plan or other action to control slug discharges within a year from the final rule's effective date or from becoming an SIU. This is already included in the County Code at Section 25-207, Accidental discharge/slug control plans.
- ❖ SIUs are required to notify the locality immediately of any changes at their facility affecting the potential for a slug discharge. This is already included in the County Code at Section 25-229(a), Reports of potential problems.

- ❖ Expansion of the Significant Noncompliance definition to include additional types of pretreatment standards and requirements **This change is included in the proposed ordinance at Section 25-198, Definitions.**
- ❖ SIU reports must include Best Management Practices (BMP) compliance information **This change is included in the proposed ordinance at Section 25-227(d), Periodic compliance reports.**
- ❖ SIU control mechanisms must contain any BMPs required by a pretreatment standard, local limits, state or local law **This change is included in the proposed ordinance at Section 25-227(d), Periodic compliance reports.**
- ❖ Documentation of compliance with BMP requirements must be maintained as part of the SIU's and locality's record-keeping requirements **This change is included in the proposed ordinance at Section 25-227(d), Periodic compliance reports**
- ❖ Localities which perform sampling for SIUs must perform any required repeat sampling and analysis within 30 days of becoming aware of a violation **This change is included in the proposed ordinance at Section 25-231, Notice of violation; repeat sampling and reporting.**
- ❖ Require periodic compliance reports to comply with sampling requirements, require the locality to specify the number of grab samples necessary in periodic and non-categorical SIU reports, and require non-categorical SIUs to report all monitoring results This is already included in the County Code at Section 25-227 and Section 25-234
- ❖ Require non-categorical SIUs to provide representative samples in their periodic monitoring reports This is already included in the County Code at Section 25-227
- ❖ Require notifications of changed discharge to go to the Control Authority and the locality where the locality is not the Control Authority This requires no action on the County's part since the current code already requires that the County be notified at Section 25-228, Reports of changed conditions
- ❖ Designate how and when the locality can designate a "duly authorized employee" to sign reports This requires action only on the part of the state Localities are required to follow the new state requirements upon their adoption

A public hearing on these proposed amendments is scheduled for the Board's April 1, 2008 meeting Staff recommends that, subsequent to the public hearing, the Board adopt these proposed amendments to the Sewer Use Standards

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 1st day of April, 2008

MEMBERS

George H Schwartz, Chairman
M S "Joe" Brito, Vice Chairman
Harry E Crisp II
Mark Dudenhefer
Paul V Milde III
Cord A Sterling
Robert "Bob" Woodson

VOTE

On motion of , seconded by , which carried by a vote of , the following was adopted

AN ORDINANCE TO AMEND STAFFORD COUNTY CODE, CHAPTER 25,
ARTICLE X, SEWER USE STANDARDS

WHEREAS, the Environmental Protection Agency has promulgated revisions to the General Pretreatment Regulations found at 40 CFR Part 403 intended to streamline compliance for both the County and its industrial users without adversely affecting environmental protection, and

WHEREAS, some of these revisions require amendments to the existing Sewer Use Standards found at Chapter 25, Article X of the Stafford County Code, and

WHEREAS, the Board has held a public hearing to receive comments regarding the proposed amendments,

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of April 2008, that Chapter 25, Article X of the Stafford County Code entitled Sewer Use Standards be and hereby is amended as follows

Sec. 25-198. Definitions

Significant industrial user

(3) The County may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met

(a) The Industrial User, prior to County's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements.

(b) The Industrial User annually submits the certification statement required in Section 6 14 B [see 40 CFR 403 12(q)], together with any additional information necessary to support the certification statement, and

(c) The Industrial User never discharges any untreated concentrated wastewater

(3)(4) Upon a finding that a user meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the county may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR 403 8(f)(6), determine that such user should not be considered a significant industrial user

Sec. 25-227. Periodic compliance reports

(d) In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard. BMP compliance standards shall be incorporated into the SIU's permit and all records associated with the BMP shall be maintained in accordance with 40 CFR 403 12(o).

Sec. 25-231 Notice of violation; repeat sampling and reporting.

If the County performed the sampling and analysis in lieu of the Industrial User, the County will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis See 40 CFR 403 12(g)(2)