

Pretreatment Compliance Inspection

Draft Summary Report

Discharger: City of Hopewell
Hopewell Water Renewal
NPDES No. VA0066630

Location: 231 Hummel Ross Road, Hopewell, VA, 23860

Contact: Christina Wilkerson, Hopewell Water Renewal
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Inspection Dates: August 16-17, 2022

Inspected By: Chuck Durham, PG Environmental
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Attachments

Attachment A Industrial User Site Visit Data Sheets
Attachment B Legal Authority Review Checklist

I. Inspection Summary

Upon arrival, EPA contractors Chuck Durham and Sirese Jacobson, along with Monica Crosby, U.S. EPA representative (collectively, the Inspection Team) met with representatives of the City of Hopewell's representatives Christina Wilkerson (Environmental Compliance Coordinator), Dickie Thompson (Deputy Director), and Jerry Byerly (Director). The Inspection Team discussed the purpose and format of the inspection and interviewed the representatives about the City's pretreatment program and procedures.

As part of the inspection, the Inspection Team reviewed the following files:

- AdvanSix Resins and Chemicals, LLC (categorical industrial user [CIU] subject to Title 40 of the *Code of Federal Regulations* [CFR] Part 414.75 (Subpart G). [*Note: Facility has operations on-site subject to 40 CFR 415 Subparts U, AF, and AO, as well as 418 Subpart B. However, there are no pretreatment standards for existing sources (PSES) established within either of these categories. Therefore, they are not applicable to the discharge of wastewater to the City of Hopewell.*]
- Associated Asphalt (CIU subject to 40 CFR 442.15 Transportation Equipment Cleaning)
- Noble Oil Services (non-categorical SIU)
- WestRock CP, LLC (CIU subject to 40 CFR 430.36, Subpart C (PSES for Unbleached Kraft Facilities) and 430.106, Subpart J (PSES for Secondary Fiber non-deink facilities where paperboard from wastepaper is produced))

The Inspection Team conducted inspections at Associated Asphalt and WestRock.

II. Program Description

The City owns and operates the Hopewell Water Renewal Wastewater Treatment Facility (WTF). The WTF's design average dry weather treatment capacity is 50 million gallons per day (MGD) and the average influent flow to the WTF was approximately 24 MGD in 2021. According to the City representative, industrial discharges contribute 80-90% of the influent flow to the WTF. The WTF must be operated in compliance with the NPDES Permit No. VA0066630.

The WTF is designed to treat both industrial and municipal wastewater.

- Treatment of industrial wastewater includes screening, grit removal, primary clarification, denitrification, pure oxygen activated sludge, secondary clarification and post-aeration.
- Preliminary treatment of domestic wastewaters includes screening, grit removal, primary clarification, chlorination denitrification, pure oxygen activated sludge, secondary clarification, and post-aeration. Tertiary treatment (of domestic wastewater and 40% of the flow from Honeywell Hopewell, an SIU with a direct pipe to the WTF) includes nitrogen reduction using a moving bed biofilm reactor (MBBR) and dissolved air floatation (DAF) units.

III. Industrial User (IU) Characterization		
IUs currently identified by the Control Authority (CA)	IU Type	
14	Discharging Significant Industrial Users	
	4	Discharging Non-Categorical SIUs (as defined by the CA)
	10	Categorical Industrial Users (CIUs)
	0	Middle Tier CIUs
0	Zero-Discharging CIUs	
4	Non-significant CIU (NSCIU)	
0	Other Regulated Industrial Users (IUs) (e.g. permitted IUs) Describe: N/A	
Unknown	Waste Haulers Describe: The City permits waste haulers for septage and portable toilet wastes. In addition, the City permits generators for hauled landfill leachate.	

IV. Findings Summary Table		
Part V Section Reference – Finding	Requirement(s)	Recommendation(s)
C.1 – The City has issued a permit for AdvanSix with a duration that exceeds the 5-year maximum allowed by 40 CFR Part 403.8(f)(1)(iii)(B)(1).	1	
C.4.a – The Noble Oil Services permit list the sample type for copper as a grab sample.	2	
C.4.b – The SIU permits did not contain adequate records retention requirements.	3	
C.4.c – The SIU permits reviewed included obligations for the City.		1
C.4.d – The AdvanSix and Associated Asphalt permits did not clearly define the application of new vs existing source regulations.	4	
C.4.e – The Associated Asphalt permit does not clearly describe sampling point H-8a.	5	
C.4.f – For each permit reviewed the City has allowed wastewater to be discharged at a temperature above the specific standard established in 40 CF 403.5 (b)(5).	6	
D.2.a – The definition of “significant industrial user” in the City’s SUO references subsections that cannot be found.		2
D.2.b – The City’s SUO does not include the legal authority to deny or condition new or increased pollutant contributions.	7	
D.2.c – The SUO does not include the authority to require installation of technology.	8	
D.2.d – The City’s SUO does not incorporate the City’s		3

IV. Findings Summary Table		
Part V Section Reference – Finding	Requirement(s)	Recommendation(s)
ERP by reference.		
D.3 – The City did not provide a pretreatment agreement with Prince George County.	9	
E.1 – The City is not currently monitoring WestRock for the categorically regulated parameters during compliance monitoring events.		4
F.2 – The City and the permittee are not collecting samples at the same location, and it is unclear which entity is sampling at the correct sampling point.	10	
G.2 – The ERP contains conflicting language pertaining to late reporting violations and response.	11	5
G.6 – The City representative could not locate BMRs.		6
WestRock Industrial User Site Visit – WestRock failed to notify the City of its temporary discharge of RO wastewater during the power outage.		7
WestRock Industrial User Site Visit – The Inspection Team observed a hose entering a hole in the floor		8

V. Evaluation

The Inspection Team discussed the following topics regarding the City's pretreatment program with the City representatives. The Inspection Team also reviewed SIU files to assess the retention and maintenance of required program documents and to generally evaluate overall program implementation. The following sections describe program deficiencies and areas of concern identified during the inspection process along with requirements, recommendations, and associated references to 40 CFR Part 403.

A. Control Authority (CA) Pretreatment Program Modification

1. When was the last program modification? Did the CA notify the EPA of program modifications? (40 CFR 403.18)

The City has not made a substantial change to its program since revising its sewer use ordinance (SUO) in September 2012 to incorporate the streamlining provisions and address minor housekeeping issues. The enforcement response plan (ERP) was last modified in 2009. The City does not have any additional changes planned, although each of these documents, as well as local limits, go through an internal review during the NPDES permit renewal process.

B. IU Characterization

1. Describe the CA's procedure for identifying and locating IUs that might be subject to the pretreatment program. Has the CA identified and located all applicable IUs (non-categorical SIUs, CIUs, NSCIUs, etc.)? (40 CFR 403.8(f)(2)(i))

The City receives a monthly report from the Development Department that identifies requests for connections (both new connections and new taps). In addition, the City can identify new IUs via local media releases.

The City conducts compliance monitoring at existing SIUs (4 consecutive days per sampling event) that assists with identification of changes at existing facilities. Sampling frequencies vary from monthly to annually, depending on the type of industry, discharge volume, and potential pollutants present. The City also performs annual inspections at its SIUs.

2. Has the CA identified the character and volume of pollutants contributed to the publicly owned treatment works (POTW) by IUs subject to the pretreatment program? (40 CFR 403.8(f)(2)(ii))

The City appears to have adequate knowledge of the character and volume of pollutants discharged to the POTW. The City inspects all permitted facilities at least annually and performs compliance sampling at CIUs and SIUs at least annually.

3. Has the CA prepared and maintained a list of SIUs, as defined in 403.3(v)(1), along with the applicable SIU criteria? Does the list indicate whether the CA has made a determination that an SIU is a NSCIU, as defined in 403.3(v)(2), rather than an SIU? Have modifications to the list been submitted with annual reports?
(40 CFR 403.8(f)(6))

Yes. The City maintains a current list of SIUs and submit the list, along with any changes in permit status, with the annual pretreatment program report.

C. Control Mechanism Evaluation

1. Has the CA issued individual or general control mechanisms to all SIUs?
(40 CFR 403.8(f)(1)(iii))

All SIUs whose files were reviewed during the inspection had been issued an individual permit and three of the four permits reviewed were current, with the exception of AdvanSix.

Finding C. 1 – The City has issued a permit for AdvanSix with a duration that exceeds the 5-year maximum allowed by 40 CFR Part 403.8(f)(1)(iii)(B)(1).

The AdvanSix permit expired at the end of a 5-year permit term on July 31, 2022. The City administratively extended the permit beyond the 5-year period until January 2023. Therefore, the industrial user is operating without a valid discharge permit.

Regulatory Requirements

The federal pretreatment regulations at 40 CFR 403.8(f)(1)(iii)(B)(1) stipulates that permits cannot be issued for a duration of more than 5 years.

Requirement 1

The City is required to re-issue the permit for AdvanSix immediately to ensure the CIU is no longer discharging without a valid permit.

2. Do the applications for general control mechanism contain all of the following?
(40 CFR 403.8(f)(1)(iii)(A)(2))

- a. Contact info
- b. Production processes
- c. Types of wastes generated
- d. Location for monitoring
- e. Any request for waiver for pollutants not present per 40 CFR 403.12(e)(2)

Not applicable (N/A). The City does not currently issue general control mechanisms; the SUO does provide the authority to issue general permits.

3. Are general control mechanisms only issued for IUs where all of the following is true?
(40 CFR 403.8(f)(1)(iii)(A)(1))

- a. Involve same/substantially similar types of operations
- b. Discharge the same type of waste

- c. Same effluent limitations
- d. Same or similar monitoring
- e. There are no CIU production-based standards, CIU mass limits, combined wastestream formula, or net/gross calculations

N/A. The City does not currently issue general control mechanisms; the SUO does provide the authority to issue general permits.

4. Do both individual and general control mechanisms include the following, where applicable? (40 CFR 403.8(f)(1)(iii)(B))

- a. Statement of duration (5 years max)
- b. Statement of non-transferability
- c. Applicable effluent limits (local limits, categorical standards, BMPs)
- d. Self-monitoring requirements
 - Identification of pollutants to be monitored
 - Sampling frequency
 - Sampling locations/discharge points
 - Appropriate sample types
 - Reporting requirements
 - Record-keeping requirements
- e. Statement of applicable civil and criminal penalties
- f. Compliance schedules
- g. Notice of slug loading or potential problems at POTW
- h. Notification of spills, bypasses, upsets, etc.
- i. Notification of significant change in discharge
- j. 24-hour notification of effluent violation
- k. Submit resampling results within 30-days
- l. Slug discharge control plan requirement, if required by POTW
- m. Certification statements
- n. Sampling/analysis requirements (Part 136 or alternative)
- o. Reporting of additional sampling
- p. 90-day compliance report

The Inspection Team reviewed the files, including the permits, for four SIUs:

- AdvanSix Resins and Chemicals, LLC
- Associated Asphalt
- Noble Oil Services
- WestRock CP, LLC

Many, but not all, of the above permit elements were included in the permits. Findings regarding permit conditions are listed below.

Finding C.4.a – The Noble Oil Services permit list the sample type for copper as a grab sample.

The Noble Oil Services permit lists the sample type for copper as a grab sample; however, per the federal pretreatment regulations, copper should be collected as a composite sample.

Regulatory Requirements

The federal pretreatment regulations at 40 CFR 403.8(f)(1)(B)(4) require permits to specify the sample type.

The federal regulations at 40 CFR 403.12(g)(3) state, “Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the sample must be representative of the discharge and the decision to allow alternative sampling must be documented in the industrial user file for the facility...”

Requirement 2

The City is required to revise the SIU permit to specify the appropriate sample type for copper. If flow-proportional composite samples are not feasible, the City is required to maintain documentation in the SIU file specifying why flow-proportional composite samples are not feasible and why grab samples or time-proportional samples are representative of the facility’s discharge.

Finding C.4.b – The SIU permits did not contain adequate records retention requirements.

The SIU permits required records to be maintained for at three years beyond the useful date; however, the permits did not specify that the retention period may be extended at the request of EPA or the state.

Regulatory Requirement

The federal regulations at 40 CFR 403.8(f)(1)(iii)(B)(4) require that permits include record-keeping requirements. The federal regulations at 40 CFR 403.12(o)(2) require that records must be maintained for at least three years. Additionally, the retention period is extended during unresolved litigation or when requested by the VA DEQ Director or the EPA Regional Administrator.

Requirement 3

The City is required to revise the SIU permits to specify that the records retention period is extended when requested by the state or EPA.

Finding C.4.c – The SIU permits reviewed included obligations for the City.

Page 6 of WestRock permit includes provisions for “Monitoring conducted by HWR [Hopewell Water Renewal] in support of MACT Standards,” which specify the monitoring frequency for parameters as either “1 event/qtr by HWR” or “1 event/yr by HWR”. The permit should not contain obligations/requirements for the POTW.

In addition, the Annual Publications provision on Page 7 of the SIU permit standard conditions states “The director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by HWR, a list of the industrial users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.”

Recommendation 1

The Inspection Team recommends that the City remove language in permits that includes obligations for the POTW.

Finding C.4.d – The AdvanSix and Associated Asphalt permits did not clearly define the application of new vs existing source regulations.

The permits for both facilities identify the correct category and subpart (for example, 40 CFR 418, Subpart G) but fail to stipulate whether the permittee is subject to new or existing standards.

Regulatory Requirement

The federal regulations at 40 CFR 403.8(f)(2)(iii) require the control authority to notify industrial users of applicable pretreatment standards and requirements.

Requirement 4

The City is required to revise the CIU permits to ensure that the applicable pretreatment standards, including identification of applicability of new or existing source standards, are clearly specified in the permits.

Finding C.4.e – The Associated Asphalt permit does not clearly describe sampling point H-8a.

The Associated Asphalt permit describes sampling point H-8a as “This outfall is located on Associated Asphalt property and includes the discharge of stormwaters collected within diked tank farms. Collected stormwaters are screened for chemical contamination and manually pumped to the sanitary sewer after being approved as acceptable by facility management.” This description does not accurately describe the location of the sampling point.

Regulatory Requirement

The federal regulations at 40 CFR 403.8(f)(1)((iii)(B)(4) require permits to contain “[s]elf-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of... sampling location...”

Requirement 5

The City is required to determine the appropriate sampling point for Outfall H-8A to ensure all samples would be representative of the discharge from the two basins of the bermed collection area. Once the proper sampling point is determined, the City must revise the CIU permit to clearly describe the sampling location H-8a.

Finding C.4.f – For each permit reviewed the City has allowed wastewater to be discharged at a temperature above the specific standard established in 40 CF 403.5 (b)(5).

Specifically, the permits allow for wastewater at temperatures that do not cause the influent of the WTF to exceed 113 degrees. While 40 CFR 403.5 allows for a variance of the prohibition on heat causing the influent to exceed 104 degrees, it requires a formal request to the Approval Authority and subsequent approval. The City representative could not provide evidence of a request for this variance or the approval from VA DEQ.

Regulatory Requirement

The federal regulations at 40 CFR 403.5(b)(5) prohibit introduction into a POTW of heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.

Requirement 6

The City is required to either produce the original request for a variance of the heat prohibition and approval by VA DEQ, or revise all SIU permits to enforce the temperature prohibition in 40 CFR 403.5 (104 degrees).

D. Legal Authority**1. Has the CA amended its pretreatment program to include the streamlining provisions?**

EPA promulgated changes to the general pretreatment regulations on October 13, 2005, referred to as the “streamlining rule”. The Control Authority’s SUO contains the required streamlining provisions.

2. Does the SUO provide the control authority adequate legal authority, consistent with 40 CFR 403.8(f)(1)?

The Inspection Team compared the SUO with the provisions of 40 CFR Part 403 (see Attachment B, Legal Authority Review Checklist). The following deficiencies, inconsistencies and recommendations were observed with the SUO.

Finding D.2.a – The definition of “significant industrial user” in the City’s SUO references subsections that cannot be found.

Article I, Section 31-2 defines significant industrial user and states: Significant industrial user (SIU) except as provided in subsections (c)(3) and (c)(4) of this section, shall mean:....” The Inspection Team could not find subsections (c)(3) and (c)(4) in Section 31-2.

Recommendation 2

It is recommended that the City fix the subsection call-outs in the definition for significant industrial user.

Finding D.2.b – The City’s SUO does not include the legal authority to deny or condition new or increased pollutant contributions.

The City’s SUO does not explicitly state that the City has the legal authority to deny or condition new or increased contributions of pollutants to the POTW.

Regulatory Requirement

The federal pretreatment regulations at 40 CFR 403.8(f)(1)(i) require the City to have the legal authority to “Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its NPDES permit...”

Requirement 7

The City is required to revise the SUO to include the authority to deny or condition new or increased contributions or changes in pollutants to the POTW by industrial users, pursuant to 40 CFR 403.8(f)(1)(i).

Finding D.2.c – The SUO does not include the authority to require installation of technology.

The City's SUO does not provide authority to require the installation of technology required to meet applicable pretreatment standards and requirements.

Regulatory Requirement

The federal regulations at 40 CFR 403.8(f)(1)(iv) require that the control authority have the legal authority to "[r]equire (A) the development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements and (B) the submission of all notices and self-monitoring reports from Industrial Users as are necessary to assess and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required in § 403.12."

Requirement 8

The City is required to revise the SUO to provide authority to require the installation of technology required to meet applicable pretreatment standards and requirements, pursuant to 40 CFR 403.8(f)(1)(iv).

Finding D.2.d – The City's SUO does not incorporate the City's ERP by reference.

The City has an ERP that meets requirements at 40 CFR 403.8(f)(5), however, the SUO does not reference the ERP.

Recommendation 3

It is recommended that the City revise the SUO to incorporate by reference the City's approved ERP. Incorporating the ERP by reference in the SUO enhances the legal authority to implement the ERP.

3. Are there any contributing jurisdictions discharging wastewater to the POTW? Does the CA have an agreement in place that addresses pretreatment program responsibilities?

Yes, the City receives wastewater from Oakley Industrial Services, a NSCIU, located in Prince George County.

Finding D.3 – The City did not provide a pretreatment agreement with Prince George County.

According to the City representative, the east and northeast portions of Prince George County flow to the WTF, including wastewater from Oakley Industrial Services, permitted by the City as an NSCIU. The City representative also stated that this NSCIU has planned changes to expand and at that time, the City will reclassify the facility as a CIU.

When asked about agreements with contributing jurisdictions, the City representative specified that the City has a multi-jurisdictional agreement (MJA) with Prince George County, created in 1995 and amended in 2014. However, the agreement provided is between the City and SIUs which have a direct pipe to the WTF (Hercules Incorporated, Honeywell International Inc. (AdvanSix), and Rocktehn CP, LLC (WestRock). The agreement stipulates the capacity for treatment at the WTF for each SIU regarding BOD, TSS, and flow. The City did not provide the Inspection Team with a MJA between the City and Prince George County.

Regulatory Requirement

The federal pretreatment regulations at 40 CFR 403.8(f)(1) require that the POTW operate pursuant to

its legal authority, enforceable in federal, state, and local courts, which authorizes or enables the POTW to apply and to enforce the requirements of 40 CFR 403. Such authority may be contained in a statutes, ordinance, or series of contracts or joint powers agreements.

Requirement 9

The City is required to ensure that it has a written agreement with Prince George County that clearly states the responsibilities of each entity (City of Hopewell or Prince George County) to ensure that nondomestic dischargers are properly regulated. The City also must ensure that they have the proper legal authority to implement the pretreatment program per 40 CFR 403.8(f)(1). If the City intends to administer the program and regulate industrial users in Prince George County's service area, the City must ensure that the County has legal authority that is consistent with that of the City.

4. What is the control authority's definition of significant non-compliance (SNC)? (40 CFR 403.8(f)(2)(viii))

The Control Authority's definition of SNC mirrors the federal definition.

E. Application of Pretreatment Standards and Requirements

1. Does the CA apply all applicable pretreatment standards? (40 CFR 403.8(f)(1)(ii) and 403.8(5))

Based on the files reviewed during the inspection, the City has not correctly applied applicable pretreatment standards in all instances, as noted in Finding C.4.f and Finding E.1 below.

Finding E.1 – The City is not currently monitoring WestRock for the categorically regulated parameters during compliance monitoring events.

WestRock is subject to 40 CFR 430.36 and 430.106 which include discharge limitations for pentachlorophenol and trichlorophenol only. In lieu of monitoring for these parameters, the CIU is submitting a statement semiannually certifying that they do not use chlorophenolic-containing biocides, in accordance with 40 CFR 430.36 and 430.106, and therefore they are not required to monitor for these parameters. Based on information observed during the file review, the City has not conducted analysis for these parameters either.

Recommendation 4

The City should consider monitoring for these categorically regulated pollutants once during the IU permit term. In doing so, the City would need to apply the combined wastestream formula (CWF) at sampling point H-2 because categorical process wastewater is combining with sanitary wastewater at that discharge point, as described in the permit.

2. Has the CA evaluated the need for SIUs to develop slug discharge control plans? (40 CFR 403.8(f)(2)(vi))

According to the City representative, the City evaluates the need for an IU to develop a slug discharge control plan during every inspection. The City's inspection checklist contains questions to document this evaluation. The City representative stated that 7 of the 10 SIUs have been required to develop slug discharge control plans. As described in Attachment A, the WestRock industrial user site visit data sheet, during the inspection, the WestRock slug discharge control plan maintained onsite was dated

December 2021. However, the copy on file with the City is dated March 2019. The City requested that the IU provide them with the updated version.

F. Compliance Monitoring

- 1. Has the CA inspected and independently sampled each SIU at least once a year? Middle tier CIUs at least once every two years? Sample once during term of CIU control mechanism if CIU sampling waived for pollutants not present?**
(40 CFR 403.8(f)(2)(v), 403.12(e)(2), 403.12(e)(2))

According to the City representative and based on the SIU files reviewed, the City has been conducting inspections and sampling at least once per year.

- 2. Has the CA used proper sampling and analysis procedures (40 CFR Part 136) and inspection procedures? Were the procedures done with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions?**
(40 CFR 403.8(f)(2)(v) and (vii), 40 CFR 403.12(g)(5))

Finding F.2 – The City and the permittee are not collecting samples at the same location, and it is unclear which entity is sampling at the correct sampling point.

As noted in Finding C.4.e, the permit for Associated Asphalt does not clearly define the sampling point for Outfall H-8A. As a result, the City and the permittee are not collecting samples at the same location, and it is unclear which entity is sampling at the correct sampling point. The City is collecting compliance samples at the tap below the flow meter, whereas the permittee is collecting samples for self-monitoring from the larger basin of the bermed collection area.

Regulatory Requirement

The federal pretreatment regulations at 40 CFR 403.8(f)(2) require the Control Authority to perform compliance monitoring at least once per year, and collect samples at the designated sample points, collecting the same sampling types specified in the IU discharge permit for self-monitoring.

Requirement 10

The City must collect samples at the designated sampling point in accordance with the IU discharge permit, as revised in response to Finding C.4.e.

- 3. Has the CA kept records for three years including the following?**
- a. Period compliance reports and other reports/notices**
 - b. All monitoring records including: sample date, place, method, time, personnel; analysis date, personnel, method; results**
 - c. BMP compliance documentation**
 - d. Other monitoring records**
- (40 CFR 403.12(o))

Based on the files reviewed, the City maintains records for at least three years.

- 4. Has the CA evaluated, at least once per year, whether NSCIUs continue to meet the criteria of an NSCIU?**
(40 CFR 403.8(f)(2)(v)(b), 403.3(v)(2))

The Inspection Team did not review any files for NSCIU facilities. The City currently permits 4 industrial users as NSCIUs. The City representative noted that one of the NSCIUs (Oakley) will likely be reclassified as a CIU due to anticipated expansion.

- 5. Has the CA required, received, and analyzed reports and other notices from SIUs?**
- a. Self-monitoring reports
 - b. BMRs and 90-day compliance reports
 - c. Compliance schedules reports
 - d. Notice of slug loading or potential problems at POTW
 - e. Notification of spills, bypasses, upsets, etc.
 - f. Notification of significant change in discharge
 - g. 24-hour notification of effluent violation
 - h. Resampling results within 30-days
 - i. Other reports/notifications required by the CA
- (40 CFR 403.8(f)(2)(iv))

Based on the files reviewed during the inspection, the City has been requiring, receiving, and analyzing required reports.

- 6. Have SIUs monitored to demonstrate continued compliance and re-sampled after violation(s)?**
(40 CFR 403.12(g)(1) & (2))

Based on the files reviewed, the SIUs have been conducting self-monitoring at the frequency required in the permits and have resampled after violations. For example, AdvanSix had a toluene violation in December 2021, resampled within 30 days, and returned to compliance.

- 7. Has the CA ensured CIUs report on all regulated pollutants at least once every 6 months?**
(40 CFR 403.12(e)(1) & (g)(1))

Yes.

- 8. Has the CA ensured non-categorical SIUs self-monitor and report at least once every 6 months with a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority?**
(40 CFR 403.12(h) & (g)(1))

Based on the files reviewed, the City was ensuring non-categorical SIUs self-monitor and report at least once every 6 months.

- 9. Has the CA required self-monitoring reports from SIUs to be signed and certified?**
(40 CFR 403.12(b)(6), 403.12(l))

Yes. The SIU files reviewed included signed and certified self-monitoring reports.

10. Has the CA received notification of hazardous waste discharges?

(40 CFR 403.12(j) & (p))

Based on the SIU files reviewed during the inspection, no hazardous waste discharge notifications were received, nor was there an indication that such notifications should have been received.

G. Enforcement

1. Has the CA implemented its enforcement response plan (ERP)?

(40 CFR 403.8(f)(5))

Based on the files reviewed, the City appeared to be implementing its ERP, which was last revised in 2009. According to the City representative, in the last two years, the City has issued warning letters and NOV's but has not had to further escalate enforcement.

2. Does the City's ERP contain the minimum elements required by 40 CFR 403.8(f)(5)?

Yes. The City's current ERP contains the minimum elements required by 40 CFR 403.8(f)(5). The City's current ERP was last revised in 2009.

Finding G.2 – The ERP contains conflicting language pertaining to late reporting violations and response.

In the ERP, Section 4.3.5.4 defines late reporting between 6-30 days late as a significant violation. However, Section 4.4.6 of the ERP, under the definition of significant noncompliance, allows 45 days for late reporting (which is consistent with the SUO). Furthermore, Section 4.3.1 defines insignificant violation as any violation of permit conditions or enforcement actions, which does not meet the definition of SNC as defined in Section 31-107 of the City Code and Section 4.4 of the Enforcement Response Plan. This section of the ERP does not define the term 'significant violation'; however, the implied definition would be anything not insignificant, therefore anything meeting the definition of SNC. Based on the information in Section 4.4.6, any reports submitted between 1-44 days late would be a violation but not SNC. Reports submitted 45 or more days late would be considered SNC and should be addressed with escalated enforcement in accordance with the approved SUO and ERP.

Regulatory Requirement

The federal regulations at 40 CFR 403.8(f)(5) require the City to "develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance."

Requirement 11

The City is required to revise its ERP to ensure violations for late reporting are addressed in accordance with the legal authority established in its SUO. Furthermore, the City must ensure that language in the SUO and ERP is consistent with respect to defining significant violations as well corrective action to be taken.

Recommendation 5

The City should review the ERP to correct minor typos and incorrect Section and Subsection headings. For example, on page 9 of the ERP Section 4.3.5 is titled Time Frame of Responses.

However, subsections under 4.3.5 are labeled as 4.3.6.1, 4.3.6.1, etc.
3. Does the CA evaluate both numeric and narrative criteria for significant non-compliance (SNC) and annually publish a list of IUs in SNC? (40 CFR 403.8(f)(2)(viii)) Yes, the facility evaluates both numeric and narrative criteria for SNC. The facility representative has not had to publish IUs in SNC recently but stated that SNC publication would take place in <i>The Progress Index</i>. 3.a Were any SIUs in SNC in the past year? Include name of industry, type of SNC, and current compliance status. No. According to the facility representative, no SIUs have been determined to be in SNC since at least 2018.
4. Has the CA developed IU compliance schedules? (40 CFR 403.8(f)(1)(iv)(A)) The City has used compliance schedules in the past, however none of the City's SIUs were on compliance schedules at the time of the inspection.
5. Has the CA ensured CIU compliance within 3 years of standards effective date (or less than 3 years where required by standard)? (40 CFR 403.6(b)) The City representatives stated that no CIUs had been allowed more than three years from the effective date of a categorical standard to achieve compliance. No new CIU regulations have been promulgated in the last three years.
6. Has the CA ensured CIUs submit complete baseline monitoring reports and 90-day compliance reports within the required time frames? (40 CFR 403.12(b) & (d)) <u>Finding G.6 – The City representative could not locate BMRs.</u> The Inspection Team inquired about baseline monitoring reports. The City representative indicated that she had not located any BMRs in the existing files since starting her position. <u>Recommendation 6</u> It is strongly recommended that the City follow up with CIUs to obtain copies of the BMRs.
H. Additional Evaluations
1. Fats, Oil, and Grease (FOG) Program The City does not permit food service establishments. In addition, as stated below, the City does not accept hauled FOG waste at the WTF.

2. Hauled Waste

The City accepts hauled septage, chemical toilet waste, and landfill leachate. The City permits septic and chemical toilet waste haulers and landfill leachate generators.

According to the facility representative, leachate trucks have access to the discharge point 24 hours per day. Septage haulers have access only during business hours and have to enter a code to discharge. Septage waste goes through a grinder and enters a wet well. The City requires haulers to provide a manifest.

The City representative stated that they randomly sample hauled landfill leachate waste. The City collects 2-3 samples per month and samples new landfills as well. The City does not sample septage waste very often, but will look into sampling for its upcoming local limits evaluation.

3. Dental Mercury

According to the City representative, the City identified eight dental facilities in its service area. Per Virginia DEQ, all dental facilities were required to send the forms to Virginia DEQ who would handle receipt of the forms. The City does not permit dental facilities.

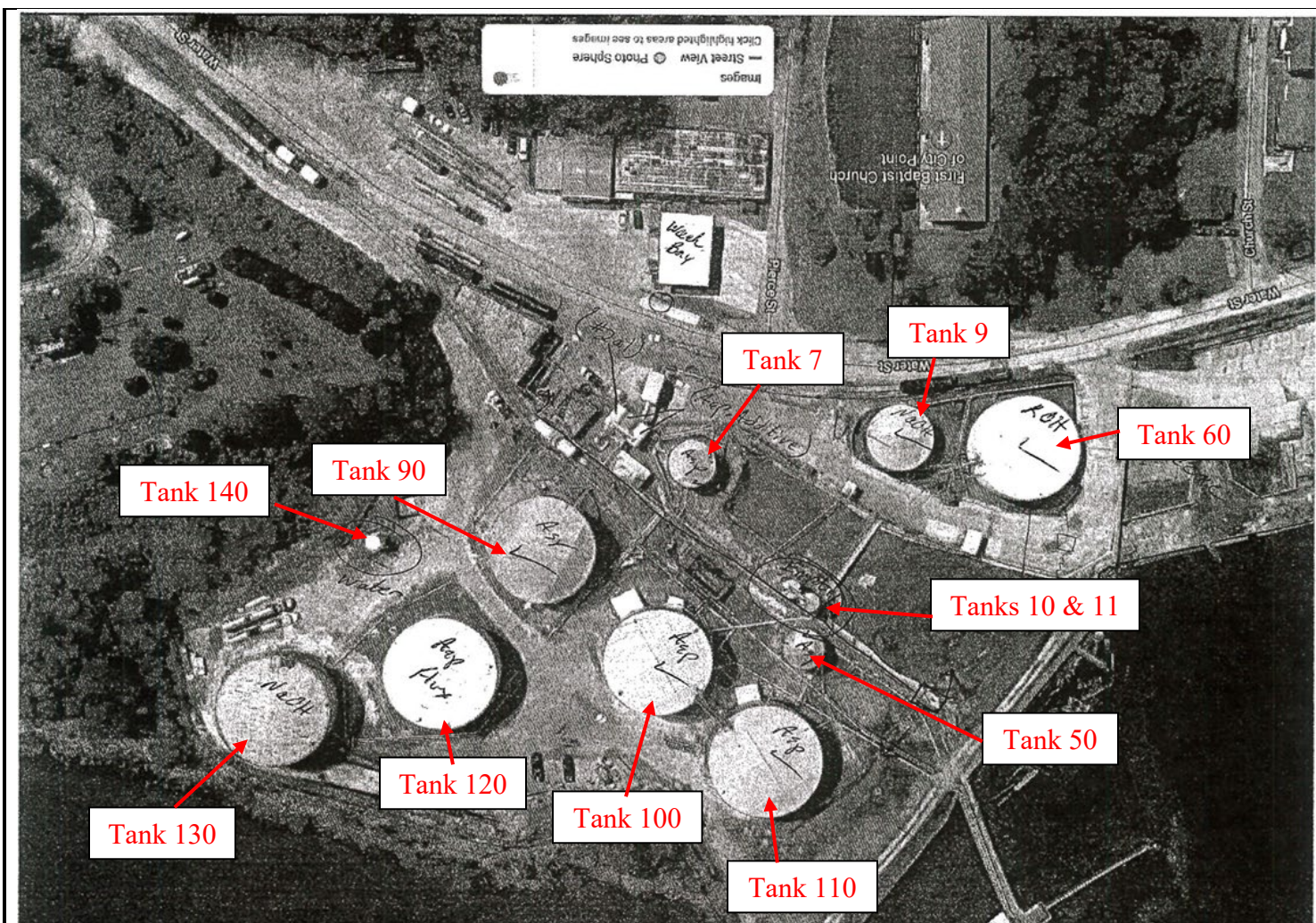
The EPA promulgated pretreatment standards for dental offices on June 14, 2017; those standards can be found at 40 CFR Part 441. The rule became effective on July 14, 2017. The rule specifies that dental facilities are not considered SIUs or CIUs; therefore, POTWs are not required to permit or inspect dental facilities but may choose to do so. However, 40 CFR 403.8(f)(2)(b)(i) requires control authorities to identify and locate all industrial users which includes dental facilities. According to the rule, control authorities must receive the one-time certification report from dental facilities and ensure that dental facilities are implementing BMPs. Information on this rule can be viewed at <https://www.epa.gov/eg/dental-effluent-guidelines>, including the Frequently Asked Questions for Control Authorities on the Dental Rule, found at <https://www.epa.gov/npdes/frequently-asked-questions-control-authorities-dental-rule-40-cfr-part-441>.

Attachment A

Industrial User Site Visit Data Sheet

SITE VISIT DATA SHEET

INSTRUCTIONS: Record observations made during the IU site visit. Provide as much detail as possible.					
Name of industry: Associated Asphalt					
Address of industry: 410 Water Street, Hopewell, VA 23860					
Date of visit: 8/16/2022			Time of visit: 1:10 p.m. – 3:40 p.m.		
Name of inspector(s): Christina Wilkerson, City of Hopewell Chuck Durham and Sirese Jacobson, PG Environmental Monica Crosby, U.S. EPA Region 3					
Provide the name(s) and title(s) of industry representative(s)					
Name		Title		Phone/Email	
David Taylor		Terminal Manager		dtaylor@associatedasphalt.com	
IU Permit Number: 0008		Exp. Date: 1/26/2026		IU Classification: CIU subject to 40 CFR 442.15	
Please provide the following documentation:					
1. Nature of operation: The facility primarily operates as a bulk chemical depot, storage terminal, and tank farm, but is classified under the Transportation Equipment Cleaning category for the truck washing station.					
2. Number of employees:	11 (soon to be 12)	Number of shifts:	1	Hours of operation:	8:00 am – 4:00 p.m. Monday-Friday
4. Wastestream flow(s) discharged to the POTW: Process waters from truck washing are discharged to the City via Outfall H8 (see Photograph 1). No washing of internal tankers has occurred since 2019. The majority of wastewater flow is intermittent flow from storm water collected in the bermed areas (see Photograph 2 and 3) of the tank farm, which discharges to the City via Outfall H-8A.					
Sanitary:	2, 305 gallons per day (gpd)	Process:	10,000 gpd	Combined:	12,305 gpd
4. Describe any current or planned significant changes in process or flow: According to the facility representative, an office building was demolished and removed in June 2022. The facility plans to remove the concrete slab and fill the area with dirt. They do not have plans to add any processes or make operational changes anytime in the near future.					
5. Type of pretreatment system (Describe treatment processes, condition of systems, and deficiencies observed): Tanker truck washings with acidic loads are pH tested and adjusted prior to Outfall H8. Wastewater within the berms and dikes undergoes pH screening analysis prior to discharge. A grab sample is pulled from the tap at the flow meter and taken to the Operators' building for analysis. If the sample is outside the permitted range, no discharge to the sewer occurs and the water remains in the basins.					
Continuous flow		X	Batch		Combined
6. Process area description (identify raw materials and processes used): The only regulated discharges are from the tanker truck washing area. The facility site manager noted that the wash bays have not been used for internal tank cleaning in more than two years. Non-regulated external truck washing also takes place in the wash bay periodically. No processing or manufacturing occurs at this facility. It is a storage terminal for a variety of products including asphalt asphalt, asphalt flux, sodium hydroxide, and potassium hydroxide. The figure below identifies the storage tanks and products.					



Tank 7: will be removed

Tank 9: Sodium hydroxide

Tanks 10 & 11: will be removed

Tank 50: Asphalt

Tank 60: was empty at time of inspection; previously used for potassium hydroxide storage but will be changed to sodium hydroxide

Tank 90: Asphalt

Tank 100: Asphalt

Tank 110: Asphalt flux (tar like substance used in roofing materials)

Tank 120: was undergoing cleaning; was previously used for asphalt flux, but will be changed to sodium hydroxide

Tank 130: Sodium hydroxide

Tank 140: Water

7. Chemical storage area (identify the chemicals that are maintained on-site, housekeeping, and storage):

The inspection team did not observe a bulk chemical storage onsite. The inspection team observed only small volumes of citric acid and sodium bisulfite. Due to the nature of the business, the facility stores large volumes of asphalt, asphalt flux, sodium hydroxide, and potassium hydroxide in bulk storage tanks (see tanks identified in the facility site map above).

Any floor drains?	None	Any spill control measures?	The entire tank farm area is contained within two bermed collection areas. The truck-wash bay is sloped to a collection pit.
8. Are hazardous wastes drummed and labeled? Yes. Used oil and waste oil are stored outside in an uncovered but fenced and locked location near Tank 140 (see Photograph 4).			
9. Does the IU have hazardous waste manifests? Yes.			
10. Solid waste production and disposal: N/A			
11. Description of sample location and methods: The permit does not clearly identify the sample point (refer to Findings C.4.e and F.2). The permittee's contract laboratory collects samples from the larger basin of the bermed containment area (see Photograph 2). The City is collecting compliance samples at the tap below the flow meter (see Photograph 5).			
Notes:			
<u>General Observations of the City's industrial user inspection practices:</u> The City inspector reviewed previous inspection findings and asked about operation changes. The facility representative noted the office building had been removed in June of 2022 as the only change that has occurred, and further noted that no internal tank washing (the regulated process) has occurred since 2019. The City inspector requested a number of documents to review including the current SWPPP (last revised in April 2021) and SPCC (updated October 2020). The City inspector requested a copy of the baseline monitoring report (BMR) but the facility representative was unable to provide a copy at that time. He did provide a copy of the latest permit renewal application. The Inspection Team then performed a walk-through of the facility to observe the truck wash bay and tank farm. Concerns identified from the walk-through are addressed in the body of the report (refer to Findings C.4.e and F.2).			

Photo Log



Photograph 1. Truck Washing Bay - Outfall H-8



Photograph 2. Bermed Diversion Pond at Tank Farm
IU Sampling Point for Outfall H-8A



Photograph 3. Bermed Diversion Pond at Tank Farm
(Smaller basin)



Photograph 4. Waste Oil Containment Area



Photograph 5. City Sampling Point for Outfall H-8A

SITE VISIT DATA SHEET

INSTRUCTIONS: Record observations made during the IU site visit. Provide as much detail as possible.					
Name of industry: WestRock					
Address of industry: 910 Industrial Street, Hopewell, VA 23860					
Date of visit: 8/17/2022			Time of visit: 9:30 a.m – 12:00 p.m.		
Name of inspector(s): Christina Wilkerson, City of Hopewell Chuck Durham and Sirese Jacobson, PG Environmental Monica Crosby, U.S. EPA Region 3					
Provide the name(s) and title(s) of industry representative(s)					
Name		Title		Phone/Email	
Julie Baty		Environmental Manager		(804) 541-9695/ Julie.baty@westrock.com	
Snehal Viratia		Senior Environmental Engineer		Not provided	
IU Permit Number: 002		Exp. Date: August 6, 2027		IU Classification: CIU subject to 40 CFR 430.36 and 430.106	
Please provide the following documentation:					
1. Nature of operation: The facility manufactures Kraft liner using virgin pulp and recycled paper. The facility uses 1,200 tons of machine dried paper per day and 1,300 tons of machine-dried pulp.					
2. Number of employees:	305	Number of shifts:	2 12-hr shifts; 1 8-hr shift	Hours of operation:	Not provided
3. Wastestream flow(s) discharged to the POTW: Wastestreams discharged to the City include process wastewater from the paper mill, pulp mill, and recycled fiber process; boiler blowdown; cooling tower blowdown; stormwater; wastewater from the chip boilers in the pulp mill; wastewater from the wet scrubbers; and sanitary wastewater.					
Sanitary:	0.01 MGD (average)	Process:	9.19 MGD (average)	Combined:	9.2 MGD (average)
4. Describe any current or planned significant changes in process or flow: The facility did not specify any planned changes in process or flow except for a planned shutdown of the coal mill for boiler maintenance from September 12 – October 6, 2022.					
5. Type of pretreatment system (Describe treatment processes, condition of systems, and deficiencies observed): The facility's pretreatment system includes oil and grease separation, clarification, pH neutralization, and flow equalization.					
X	Continuous flow		Batch		Combined
6. Process area description (identify raw materials and processes used): The Inspection Team began the walk-through in the facility's laboratory. The sinks in the laboratory drain to H-2 sewer. The Inspection Team checked the facility's pH buffer solutions. All buffers (pH 4, 7, and 10) were not expired. The Inspection Team proceeded to the digesters. The facility has 12 digesters and is typically running 11 digesters at a time. Wood chips and white liquor are fed to the digesters. This material is cooked for 90-100 minutes, then the chemical is washed off. The stock (pulp) goes into 2 High Density (HD) tanks and then into the paper mill. The drains in the downstairs in the digester building go to H-2 sewer. The Inspection Team proceeded to the paper mill where they viewed the process line and observed the fabric dewatering process.					

7. Chemical storage area (identify the chemicals that are maintained on-site, housekeeping, and storage): The facility's chemical storage area is located outside of the powerhouse. Chemicals stored at the time of the inspection included defoamer, sodium hypochlorite, cooling water agent, and a dechlorination chemical.			
Any floor drains?	No	Any spill control measures?	No
8. Are hazardous wastes drummed and labeled?: The facility generates hazardous waste including spent aerosol cans. Hazardous waste is hauled offsite by Safety Kleen.			
9. Does the IU have hazardous waste manifests?: Yes. The Inspection Team viewed the latest hazardous waste manifest from December 2021 which was for removal of spent aerosol cans.			
10. Solid waste production and disposal: Not reviewed.			
11. Description of sample location and methods: The facility has two sampling locations onsite, H-2 and H-2A. Sampling point H-2 is located in a pump house adjacent to the wastewater treatment system (see Photograph 7). Sampling point H-2A is the wet well (see Photograph 6). The facility collects composite and grab samples, depending on the parameter.			
Notes:			
The facility's slug discharge control plan maintained onsite was dated December 2021. The copy on file with the City is dated March 2019. The City requested that the IU provide them with the updated version. The facility representative stated that they plan to do training on slug control in the next month.			
1. <u>Finding – WestRock failed to notify the City of its temporary discharge of RO wastewater during the power outage.</u> The facility explained that they were planning to connect the RO reject water to the fire water tank to store for reuse. However, at the time of the inspection, RO reject water was entering a storm drain (see Photograph 8). The facility representatives stated that this storm drain was connected to outfall H-2. <u>Recommendation 7</u> The City should ensure that its SIUs are notifying them of significant changes in process and discharge practices.			
2. <u>Finding – The Inspection Team observed a hose entering a hole in the floor.</u> In the paper mill, in a room adjacent to the press room, the Inspection Team observed a black hose entering a hole in the floor (see Photograph 9). The hose was connected to the eye wash station (see Photograph 10); however, it was unclear why the hose was placed in the hole and what was the source of the wastewater. <u>Recommendation 8</u> It is recommended that the City follow-up with the facility to identify the source and discharge point for the unidentified hose.			



Photograph 6. Sampling point H-2a; the wet well which receives wastewater from H-2, H-2a, and the ash pond, prior to discharge to the POTW.



Photograph 7. Sampling point H-2 located in the pumping station adjacent the facility's wastewater treatment system.



Photograph 8. View of the RO reject water which was overflowing from the tote into a storm drain (circled).



Photograph 9. View of a hose from unknown source located in the paper mill in a room adjacent to the press room.



Photograph 10. View of the same hose shown in Photograph 8 from unknown source which is connect to the pipe where the eyewash station is located.

Attachment B

Legal Authority Review Checklist

CHECKLIST – PRETREATMENT PROGRAM LEGAL AUTHORITY REVIEWS

NAME OF POTW: City of Hopewell, VA

DATE OF REVIEW: September 2022

Note: Several changes to the National Pretreatment Regulations made as a result of the Streamlining Rule are more stringent than the previous Federal requirements and therefore are considered required modifications for the POTW. Therefore, to the extent that existing POTW legal authorities are inconsistent with these required changes, they must be revised. Where local authorities are already consistent with these required provisions, further changes are not necessary.

NONE = No revision necessary

REQ = Require Revision

REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
A. Definitions [403.3 & 403.8(f)(2)]							
1. Act, Clean Water Act	403.3(b)	§ 1.4 A	√				
2. Authorized or Duly Authorized Representative of the User	403.12(l)	§ 1.4 C	√				
3. Best Management Practices or BMPs	403.3(e)	§ 1.4 E	√				
4. Categorical Pretreatment Standard or Categorical Standard		§ 1.4 F	√				
5. Indirect Discharge or Discharge	403.3(i)	§ 1.4 M	√				
6. Industrial User (or equivalent)	403.3(j)	§ 1.4 LL	√				
7. Interference	403.3(k)	§ 1.4 O	√				
8. National Pretreatment Standard, Pretreatment Standard or Standard	403.3(l)	§ 1.4 BB	√				
9. New Source	403.3(m)	§ 1.4 T	√				
10. Pass Through	403.3(p)	§ 1.4 V	√				
11. Pretreatment Requirement	403.3(t)	§ 1.4 AA	√				
12. Publicly Owned Treatment Works or POTW	403.3(q)	§ 1.4 DD	√				
13. Significant Industrial User [NOTE: §1.4 GG(3) is an optional streamlining provision for Non-Significant Categorical Industrial User classification.]	403.3(v)	§ 1.4 GG			√		Recommend fix reference to section (c)(3) and (c)(4).
14. Significant Noncompliance	403.8(f)(2)(vii)	§ 9 (A-H)	√				

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
15. Slug Load or Slug Discharge	403.8(f)(2)(vi)	§ 1.4 HH	√				
16. Other definitions based on terms used in the POTW Ordinance							
B. National Pretreatment Standards – Prohibited Discharges							
1. General Prohibitions							
a. Interference	403.5(a)	§ 2.1A	√			Art III, Div 1 31-56	
b. Pass Through	403.5(a)	§ 2.1A	√			Art III, Div 1 31-56	
2. Specific Prohibitions [403.5(b)]			√				
a. Fire/Explosion Hazard (60° C or 140° F flashpoint)	403.5(b)(1)	§ 2.1B(1)	√			Art III, Div 1 31-56 (b)(3)	
b. pH/Corrosion	403.5(b)(2)	§ 2.1B(2)	√			Art III, Div 1 31-56 (b)(7)	
c. Solid or Viscous/Obstruction	403.5(b)(3)	§ 2.1B(3)	√			Art III, Div 1 31-56 (b)(6)	
d. Flow Rate/Concentration (BOD, etc.)	403.5(b)(4)	§ 2.1B(4)	√			Art III, Div 1 31-56 (b)(9)	
e. Heat; exceeds 40° C (104°F)	403.5(b)(5)	§ 2.1B(5)	√			Art III, Div 1 31-56 (b)(1)	
f. Petroleum/Nonbiodegradable Cutting/Mineral Oils	403.5(b)(6)	§ 2.1B(6)	√			Art III, Div 1 31-56 (b)(2)	
g. Toxic Gases/Vapor/Fumes	403.5(b)(7)	§ 2.1B(7)	√			Art III, Div 1 31-56 (b)(13)	
h. Trucked/Hauled Waste	403.5(b)(8)	§ 2.1B(8)	√			Art III, Div 1 31-56 (b)(11)	

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
3. National Categorical Standards	403.8(f)(1)(ii)	§ 2.2	√			Art III, Div 1 31-57	
4. Local Limits Development <i>[NOTE: POTWs may develop Best Management Practices (BMPs) to implement the prohibitions listed in 40 CFR 403.5(a)(1). Such BMPs shall be considered local limits and Pretreatment Standards.]</i>	403.5(c) & (d)	§ 2.4	√			Art III, Div 1 31-59	
5. Prohibition Against Dilution as Treatment	403.6(d)	§ 2.6	√			Art III, Div 1 31-60	
6. Best Management Practices Development <i>[NOTE: Optional streamlining provision.]</i>	403.5(c)(4)	§ 2.4C	√			Art III, Div 1 31-59	
C. Control Discharges to POTW System							
1. Deny/Condition New or Increased Contributions	403.8(f)(1)(i)	§§ 4.8 & 5.2		√			Add this statement.
2. Individual Control Mechanism (e.g., permit) to ensure compliance - <i>Permit Content</i>	403.8(f)(1)(iii)	§ 4.2	√			Art III, Div 2 31-71	
a. Statement of Duration	403.8(f)(1)(B) (1)	§§ 5.1 & 5.2A(1)	√			Art III, Div 2 31-73(a)(1)	
b. Statement of Nontransferability	403.8(f)(1)(B) (2)	§5.2A(2)	√			Art III, Div 2 31-73(a)(2)	
c. Effluent Limits	403.8(f)(1)(B) (3)	§ 5.2A(3)	√			Art III, Div 2 31-73(a)(3)	

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
d. Best Management Practices <i>[Note: This is a required streamlining provision for CIUs with BMP requirements as part of its Categorical Standards. But if BMPs are being applied to other CIUs or noncategorical SIUs without categorical BMP requirements, then this provision would be optional and is only required if the POTW has incorporated the use of BMPs (§ 2.4 C).]</i>	403.8(f)(1)(B)(3)	§ 5.2A(3)	√			Art III, Div 2 31-73(a)(3)	
e. Self-Monitoring Requirements	403.8(f)(1)(B)(4)	§ 5.2A(4)	√			Art III, Div 2 31-73(a)(4)	
f. Reporting & Notification Requirements	403.8(f)(1)(B)(4)	§ 5.2A(4)	√			Art III, Div 2 31-73(a)(4)	
g. Recordkeeping Requirements	403.8(f)(1)(B)(4)	§ 5.2A(4)	√			Art III, Div 2 31-73(a)(4)	
h. Process for Seeking a Waiver for Pollutants Not Present or Expected to be Present <i>[NOTE: Optional streamlining provision. Required only if the POTW has incorporated § 6.4B of the Model SUO.]</i>	403.8(f)(1)(B)(4) & 403.12(e)(2)	§ 5.2A(5)	√			Art III, Div 2 31-73(a)(6)	
i. Statement of Applicable Civil and Criminal Penalties	403.8(f)(1)(B)(5)	§ 5.2A(7)	√			Art III, Div 2 31-73(a)(5)	
j. Slug Discharge Requirements (if necessary) <i>[NOTE: Required streamlining change. Where the POTW has determined that slug controls are necessary, the ordinance must provide authority for the POTW to include such requirements in IU permits.]</i>	403.8(f)(1)(B)(6)	§ 5.2A(8)	√			Art III, Div 2 31-73(a)(7)	

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
k. Specific waived pollutant <i>[NOTE: Optional streamlining provision. Required only if the POTW has incorporated § 6.4B of the Model SUO.]</i>	403.8(f)(1)(B)(4)	§ 5.2A(9)	√			Art III, Div 3 31-90	
l. Permit Application/Reapplication Requirements <i>[Note: Optional permit provision]</i>		§§ 5.3 & 5.7	√			Art III, Div 2 31-72	
m. Permit Modification <i>[Note: Optional permit provision]</i>		§ 5.4	√			Art III, Div 2 31-75	
n. Permit Revocation/Termination <i>[Note: Optional permit provision]</i>		§§ 5.6 & 10.8	√			Art III, Div 2 31-77	
o. Proper Operation and Maintenance <i>[Note: Optional permit provision]</i>		§ 3.1	√			Art IV 31-119	
p. Duty of Halt/Reduce <i>[Note: Optional permit provision]</i>		§ 10.7	√			Art III, Div 4 31-108	
q. Requirement to submit Chain-of-Custody forms with monitoring data <i>[Note: Optional permit provision]</i>			--				
3. General Control Mechanism to ensure compliance <i>[NOTE: Optional streamlining provision. Required only if the POTW has incorporated the use of General Permits (§ 4.6 of the Model SUO).]</i> - Permit Content	403.8(f)(1)(iii)(A)	§ 4.2 & 4.6	√			Art III, Div 2 31-71 and 31-72(b)&(d)	
a. Statement of Duration	403.8(f)(1)(B)(1)	§§ 5.1 & 5.2A(1)	√			Art III, Div 2 31-73(a)(1)	
b. Statement of Nontransferability	403.8(f)(1)(B)(2)	§ 5.2A(2)	√			Art III, Div 2 31-73(a)(2)	

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
c. Effluent Limits	403.8(f)(1)(B)(3)	§ 5.2A(3)	√			Art III, Div 2 31-73(a)(3)	
d. Best Management Practices <i>[Note: This is a required streamlining provision for CIUs with BMP requirements as part of its Categorical Standards. But if BMPs are being applied to other CIUs or noncategorical SIUs without categorical BMP requirements, then this provision would be optional and is only required if the POTW has incorporated the use of BMPs (§ 2.4C).]</i>	403.8(f)(1)(B)(3)	§ 5.2A(3)	√			Art III, Div 2 31-73(a)(3)	
e. Self-Monitoring Requirements	403.8(f)(1)(B)(4)	§ 5.2A(4)	√			Art III, Div 2 31-73(a)(4)	
f. Reporting & Notification Requirements	403.8(f)(1)(B)(4)	§ 5.2A(4)	√			Art III, Div 2 31-73(a)(4)	
g. Recordkeeping Requirements	403.8(f)(1)(B)(4)	§ 5.2A(4)	√			Art III, Div 2 31-73(a)(4)	
h. Process for Seeking a Waiver for Pollutants Not Present or Expected to be Present <i>[Note: Required only if POTW has incorporated the use of Pollutants Not Present and § 6.4 of the Model SUO.]</i>	403.8(f)(1)(B)(4) & 403.12(e)(2)	§ 5.2A(5)	√			Art III, Div 2 31-73(a)(6)	
i. Statement of Applicable Civil and Criminal Penalties	403.8(f)(1)(B)(5)	§ 5.2A(7)	√			Art III, Div 2 31-73(a)(5)	

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
j. Slug Discharge Requirements (if necessary) <i>[NOTE: Required streamlining change. The ordinance should indicate that a user is required to develop a slug discharge control plan if determined by the POTW to be necessary.]</i>	403.8(f)(1)(B)(6)	§ 5.2A(8)	√			Art III, Div 2 31-73(a)(7)	
k. Permit Application/Reapplication Requirements <i>[Note: Optional permit provision]</i>		§§ 5.3 & 5.7	√			Art III, Div 2 31-72	
l. Permit Modification <i>[Note: Optional permit provision]</i>		§ 5.4	√			Art III, Div 2 31-75	
m. Permit Revocation/Termination <i>[Note: Optional permit provision]</i>		§§ 5.6 & 10.8	√			Art III, Div 2 31-77	
n. Proper Operation and Maintenance <i>[Note: Optional permit provision]</i>		§ 3.1	√			Art IV 31-119	
o. Duty of Halt/Reduce <i>[Note: Optional permit provision]</i>		§ 10.7	√			Art III, Div 4 31-108	
p. Requirement to submit Chain-of-Custody forms with monitoring data <i>[Note: Optional permit provision]</i>			--				
D. Required Reports							
1. Develop compliance schedule for installation of technology	403.8(f)(1)(iv)	§§ 5.2b(2) & 10.4		√			Add authority to require.

NONE = No revision necessary

REQ = Require Revision

REC = Recommend Revision

	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
2. Reporting Requirements [403.12] <i>Types of Reports</i>							
a. Baseline monitoring report	403.12(b)	§ 6.1	√			Art III, Div 3 31-87	
(i) Identifying Information	403.12(b)(1)	§ 6.1B(1) & § 4.5A(1)a	√			Art III, Div 3 31-87(b)(1)	
(ii) Other Environmental Permits Held	403.12(b)(2)	§§ 6.1B(1) & 4.5A(2)	√			Art III, Div 3 31-87(b)(2)	
(iii) Description of operations	403.12(b)(3)	§§ 6.1B(1) & 4.5A(3)a	√			Art III, Div 3 31-87(b)(3)	
(iv) Flow measurements	403.12(b)(4)	§§ 6.1(b)(2) & 4.5A(6)	√			Art III, Div 3 31-87(b)(4)	
(v) Measurement of pollutants	403.12(b)(5)	§ 6.1B(2)	√			Art III, Div 3 31-87(b)(5)	
(vi) Certification	403.12(b)(6)	§ 6.1B(3)	√			Art III, Div 3 31-87(b)(6)	
(vii) Compliance schedule	403.12(b)(7)	§ 6.1B(4)	√			Art III, Div 3 31-87(b)(7)	
b. Compliance schedule progress report	403.12(c)	§ 6.2	√			Art III, Div 3 31-88	
c. Report on compliance with categorical Pretreatment Standard deadline	403.12(d)	§ 6.3	√			Art III, Div 3 31-89	
d. Periodic reports on continued compliance							
- From categorical users	403.12(e)	§ 6.4A	√			Art III, Div 3 31-90	
- From significant non-categorical users	403.12(h)	§ 6.4A	√			Art III, Div 3 31-92	
e. Notice of potential problems to be reported immediately (including slug loads)	403.12(f)	§ 6.6	√			Art III, Div 3 31-94 & 95	

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
f. Notification of changes affecting potential for a slug discharge <i>[NOTE: Required streamlining revision]</i>	403.8(f)(2)(vi)	§ § 6.5 & 6.6	√			Art III, Div 3 31-95(a)	
g. Notice of violation/sampling requirement <i>[NOTE: Required streamlining revision.]</i>	403.12(g)(2)	§ 6.8	√			Art III, Div 3 31-86(c)	
h. Requirement to conduct representative sampling	403.12(g)(3)	§ 6.4E	√			Art III, Div 3 31-90(d) & (f)	
i. Notification of changed discharge	403.12(j)	§ 6.5	√			Art III, Div 3 31-96	
j. Notification of discharge of hazardous waste	403.12(p)	§ 6.9	√			Art III, Div 3 31-93	
<i>Other Reporting Requirements</i>							
k. Data accuracy certification & authorized signatory	403.6(a)(2)(ii) & 403.12(l)	§§ 6.4D & 6.14	√			Art III, Div 3 31-100	
l. Recordkeeping Requirement (3 years or longer)	403.12(o)	§ 6.13	√			Art III, Div 3 31-97	
- Including documentation associated with Best Management Practices <i>[NOTE: Required streamlining provision.]</i>	403.12(o)	§ 6.13	√			Art III, Div 3 31-97	
m. Submission of all monitoring data <i>[NOTE: Required streamlining revision]</i>	403.12(g)(6)	§ 6.4F	√			Art III, Div 3 31-90(e)	
n. Annual certification by Non-significant categorical Industrial Users <i>[Note: Optional provision, required only if the POTW has incorporated §1.4GG(3) of the Model SUO.]</i>	403.3(v)(2)	§§ 4.7C & 6.14B	√			Art I 31-2	

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
o. Certification of pollutant not present <i>[NOTE: Optional provision, required only if the POTW has incorporated § 6.4 B of the Model SUO]</i>	403.12(e)(2)(v)	§ 6.14C	√			Art III, Div 3 31-90(b)(3)	
E. Test Procedures [40 CFR Part 136 & 403.12(g)]							
1. Analytical procedures (40 CFR Part 136) <i>[NOTE: Required streamlining provisions]</i>	403.12(g)	§ 6.10	√			Art III, Div 3 31-99(e)	
2. Sample collection procedures <i>[NOTE: Required streamlining provisions]</i>	403.12(g)(3) & (4)	§ 6.11	√			Art III, Div 3 31-90(a) 31-99	
F. Inspection and Monitoring Procedures [403.8(f)]							
1. Right to enter all parts of the facility at reasonable times	403.8(f)(1)(v)	§ 7.1	√			Art III, Div 4 31-106(a)	
2. Right to inspect generally for compliance	403.8(f)(1)(v)	§ 7.1	√			Art III, Div 4 31-106(a)	
3. Right to take independent samples	403.8(f)(1)(v), 403.8(f)(2)(v) & 403.8(f)(2)(vii)	§ 7.1	√			Art III, Div 4 31-106(a)	
4. Right to require installation of monitoring Equipment	403.8(f)(1)(iv)	§ 7.1	√			Art III, Div 4 31-106(a)	
5. Right to inspect and copy records	403.12(o)(2)	§ 7.1	√			Art III, Div 4 31-106(a)	
G. Remedies for Non-compliance (Enforcement) [403.8(f)(1)(vi)]							
1. Non-emergency response							
a. Injunctive relief	403.8(f)(1)(vi)	§ 11.1	√			Art III, Div 4 31-109	
b. Civil/Criminal penalties	403.8(f)(1)(vi)	§§ 11.2 & 11.3	√			Art III, Div 4 31-110 & 111	

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
2. Emergency response							
a. Immediately halt actual/threatened discharged	403.8(f)(1)(vi) (B)	§ 10.7	√			Art III, Div 4 31-108(f)	
3. Legal authority to enforce Enforcement Response Plan	403.8(f)(1)(vi)	§ 11.4			√		Reference ERP in SUO.
H. Public Participation							
1. Publish list of Industrial Users in Significant Noncompliance <i>[NOTE: Required streamlining revision]</i>	403.8(f)(2)(viii)	§ 9	√			Art III, Div 4 31-107	
2. Access to data [403.8(f)(1)(vii) & 403.14]							
a. Government	403.14(a) & (c)	§ 8	√			Art III, Div 4 31-106(c)	
b. Public	403.14(b)	§ 8	√			Art III, Div 4 31-106(c)	
I. Optional Provisions							
1. Net/Gross adjustments <i>[streamlining provision]</i>	403.15	§ 2.2 D	√			Art III, Div 1 31-66(b)	
2. Equivalent mass limits for concentration Limits <i>[streamlining provision]</i>	403.6(c)	§ 2.2 E	√			Art III, Div 1 31-57	
3. Equivalent concentration limits for mass limits <i>[streamlining provision]</i>	403.6(c)	§ 2.2 F				--	
4. Upset Notification	403.16	§ 13.1	√			Art III, Div 4 31-112	
5. Waive monitoring for pollutant not present or expected to the present <i>[streamlining provision]</i>	403.12(e)(2)	§ 6.4B	√			Art III, Div 3 31-90(b)(3)	
6. Reduce periodic compliance reporting <i>[streamlining provision]</i>	403.12(e)(3)	§ 6.4C	√			Art III, Div 3 31-90(c)	
7. Other special agreement or waivers (excluding waiver of National Categorical Pretreatment Standards and Requirements)						--	

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	Part 403 Citation	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
8. Hauled Waste Reporting/Requirements		§ 3.4				--	
9. Grease Interceptor Reporting/Requirements		§ 3.2 C	√			Art III, Div 1 31-62	
10. Authority to issue Notice of Violations (NOVs)		§ 10.1	√			Art III, Div 4 31-108(b)	
11. Authority to issue Administrative Orders (AOs)			√			Art III, Div 4 31-108	
12. Authority to issue Administrative Penalties		§ 10.6	√			Art III, Div 4 31-144	
13. Authority to enforce again falsification or tampering			√			Art III, Div 4 31-111	
14. Any other supplemental enforcement actions as noted in the POTW's enforcement response plan						--	
15. Permit Appeals Procedures						Art I 31-5	
16. Penalty or Enforcement Appeals Procedures						Art I 31-5	
17. Bypass Notification	403.17	§ 13.3				Art III, Div 4 31-112(c)	

Document(s) submitted for review:

Hopewell, VA Code of Ordinances

Name of Reviewers

Lynn Kurth PG Environmental

