

Replace § A361-55.C. with the following

C. Industrial wastewater discharge permit (IWDP).

- (1) Permits required. All users which discharge industrial wastewater into the facility shall first obtain a permit.
- (2) Existing industrial wastewater dischargers. All dischargers into the facility prior to the effective date of these rules and regulations are hereby granted temporary authority to continue to discharge industrial wastewater. This temporary authority shall expire on or before January 1, 1992, unless prior to that date the discharger has filed an application for an industrial wastewater discharge permit pursuant to Article V, § A361-55D, of these rules and regulations. In such case, this temporary authority shall expire on the date the industrial wastewater discharge permit is issued. Any person discharging pursuant to the temporary authority provided herein is subject to all provisions of these rules and regulations, and such authority may be suspended or revoked in accordance with the terms and procedures set forth in Article VIII of these rules and regulations.
- (3) Compliance required. No permit holder shall discharge industrial wastewater in excess of the quantity, rate of discharge or quality conditions specified in the permit. Any person desiring to modify his discharge which would violate conditions of his permit shall apply for an amended permit.
- (4) Each significant industrial user, as determined by the Authority, shall pay an annual permit fee to the Town in accordance with the requirements of Chapter 294 of the Town of Smithfield Code of Ordinances.

Replace § A361-43.B.22(a) with the following

(22) Substance concentration.

(a) Concentrations of the substances listed below in excess of the assigned discharge limitations:

Parameter	Discharge Limit (mg/l)
Arsenic, Total	1.815
Cadmium, Total	0.053
Chromium, Total	1.204
Copper, Total	0.513
Lead, Total	0.159
Mercury, Total	0.016
Nickel, Total	2.834
Silver, Total	0.118
Zinc, Total	2.072
Cyanide, Total	0.172
Total Toxic Organics*	2.130
Total Organics (Any single parameter)**	1.000
Pesticides and Polychlorinated Biphenyls***	Not Detected
Biochemical Oxygen Demand (BCD)	527 #/day
BOD (Surcharge) ****	350
Total Suspended Solids (TSS)	400 #/day
TSS (Surcharge) ****	250

Notes:

*The total toxic organics (TTO) limitation applies to the sum of all parameter concentrations as measured by EPA Methods 624 and 625, not including pesticides and polychlorinated biphenyls (PCB).

**The toxic organics (TO) limitation applies to any single parameter concentration as measured by EPA Methods 624 and 625, not including pesticides and polychlorinated biphenyls (PCB).

***The pesticides and polychlorinated biphenyls (PCB) limitation applies to any single parameter concentration.

****Per Chapter 294 of the Town of Smithfield Code of Ordinances, BOD and TSS surcharge fees will be assessed on concentrations above 350 mg/l and 250 mg/l respectively. The fees will be based on average reported concentrations and flows for the reporting period and calculated over the number of days of discharge in the reporting period.

Replace § A361-55.E.(3) with the following

- (3) Self-monitoring report (SMR).
- (a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, before commencement of the discharge into the facility, shall submit to the Superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in Article V, § 361-55D(1). At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.
 - (b) The Superintendent may impose mass limitations on users which are using dilution to meet the applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by § A361-55E(3)(a) shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the result of sampling and analysis of the discharge, including the flow, nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the Superintendent pursuant to Section 304(g) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Superintendent.
 - (c) The Superintendent may authorize a user subject to categorical pretreatment standards to forego sampling of a pollutant regulated by a categorical pretreatment standard if the user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from the intake water and without any increase in the pollutant due to activities of the user. The authorization to forego sampling will be granted only in accordance with 40 CFR 403(12)(e)(2)(i – vii).

Replace definition for significant noncompliance found in § A361-2 with the following:

SIGNIFICANT NONCOMPLIANCE (SNC) – a level of noncompliance of a user's discharge to the pretreatment standards and requirements which is determined when violations meet one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent or more of all the measurements taken for the same pollutant parameter during a six-month period exceed by any magnitude a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
- (2) Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l), multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH.);
- (3) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard that the POTW determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the POTW 's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 45 days after the due date, required reports, such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation or group of violations, which may include a violation of best management practices, which the POTW determines will adversely affect the operation or implementation of the pretreatment program; or
- (9) Any other violation or group of violations, which the POTW determines is significant.