



Significant Industrial User  
Wastewater Discharge Permit

PERMIT NO. SIU-####

In accordance with all terms and conditions of the Nacogdoches Sewer Use Ordinance, Article II, 10 Et. Seq., and also with any applicable provisions of Federal or State law or regulations,

permission is hereby granted to: **ABC Industry**  
**123 Industrial Drive**  
Nacogdoches, TX

Classified by SIC no. ###  
Classified by CFR no. n/a

for the contribution of wastewater from industrial processes and domestic use into the City of Nacogdoches Sewer system at: **123 Industrial Dr. Nacogdoches, TX.**

This permit is granted in accordance with the application submitted on **DATE**, in the office of the ~~Environmental Manager~~Environmental Coordinator - Wastewater Treatment, and in conformity with plans, specifications, and other data submitted to the ~~Environmental Manager~~Environmental Coordinator - Wastewater Treatment in support of the above application, all of which are filed with, and considered as part of, this permit, together with the following named conditions and requirements.

The City may modify terms and conditions of this permit if: revision is necessary to meet the City's TPDES Discharge Permit requirements, substantial changes of the permittee's operations or wastewater occur, if applicable Federal Pretreatment Standards are amended, or if the City's treatment works determine that there is other good cause. To the extent otherwise permissible by law, changes or new conditions in the permit shall include a reasonable schedule for compliance.

Effective this the **1<sup>st</sup> day of May 2012.**  
To expire on the **30<sup>th</sup> day of April 2015**  
or upon 30 days notice by the City.

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~~Joy L. Yarbrough~~Jacqueline M. Ramos  
~~Environmental Manager~~Environmental Coordinator - Wastewater Treatment

Comment [HG1]: Updated to reflect City title changes.

### SECTION I

**EFFLUENT LIMITATIONS:**

| PARAMETERS*<br>(in mg/l unless otherwise noted) | LIMITATIONS ON WASTEWATER STRENGTH |                             | Limit Type** Monthly Average |
|---|------------------------------------|-----------------------------|------------------------------|
|   | Daily Composite Maximum            | Daily Average Maximum Limit |                              |
| CBOD  | 500                                | ---                         | Surcharge400                 |
| TSS   | 300                                | ---                         | Surcharge350                 |
| AMMONIA   | 20                                 | ---                         | Surcharge20                  |
| FLOW (Gallons per day)                          | 75,000                             | ---                         | Surcharge50,000              |
| OIL & GREASE                                    | G* 100                             | ---                         | Local Limit---               |
| pH MAX. (pH Units)                              | G* 9.5                             | ---                         | Local Limit---               |
| pH MIN. (pH Units)                              | G* 5.5                             | ---                         | Local Limit---               |
| TEMPERATURE (°C)                                | G* 65                              | ---                         | Local Limit---               |
| ALUMINUM  | 2.0                                | 2.0                         | Local Limit---               |
| ARSENIC   | ---0.3                             | 0.30.22                     | Local Limit---               |
| BARIUM  | 2.0                                | 1.0                         | Local Limit---               |
| CADMIUM   | ---0.05                            | 0.0250.003                  | Local Limit---               |
| CHROMIUM, TOTAL                                 | ---3.4                             | 3.42.26                     | Local Limit---               |
| CHROMIUM HEXAVALENT                             | 0.0012*                            | 0.0012*                     | Local Limit---               |
| COPPER  | ---2.0                             | ---0.9                      | Local Limit0.9               |
| CYANIDE   | ---G*---0.25                       | G* 0.10.06                  | Local Limit---               |
| LEAD Tier 1 <1 MGD                              | ---0.79                            | ---2.0                      | Local Limit0.33              |
| LEAD Tier II >1 MGD                             | ---0.004                           | 0.002                       | Local Limit0.002             |
| MANGANESE                                       | ---2.0                             | 1.0                         | Local Limit---               |
| MERCURY   | ---0.000*                          | 0.000*0.0002 Z              | Local Limit---               |

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|                     |                    |                |                |             |
|---------------------|--------------------|----------------|----------------|-------------|
| NICKEL              | <del>---</del> 3.1 | 1.50.26        | Local<br>Limit |             |
| SELENIUM            | <del>---</del> 0.1 | 0.050.025      | Local<br>Limit |             |
| SILVER              | <del>---</del> 0.5 | 0.250.027      | Local<br>Limit |             |
| ZINC Tier 1 <1 MGD  | <del>---</del> 0.7 | —2.0           | Local<br>Limit |             |
| ZINC Tier II >1 MGD | <del>---</del>     | 0.4            | Local Limit    |             |
| Chlorides           | 250                | <del>---</del> | Local Limit    |             |
| BORON               | 1                  | —              | —              | Local Limit |
| IRON                | 5                  | —              | —              | Local Limit |
| CHLORIDES           | 250                | —              | —              | Local Limit |

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\*\*Surcharge limits will be used for rate assessment and surcharge monitoring only. Local limits will be used for compliance determinations and enforcement purposes. Other limits are permit specific and shall be enforced as Local Limits.

\* Calculated local limit for Hg is below the detection limit of 0.0002 mg/l. Therefore, any detection shall be a violation. TRC for Hg (0.000228) is calculated using a theoretical limit of 0.00019.

\* Compliance with the Hexavalent Chromium limit shall be determined at the minimum analytical level (MAL.)

G\* These pollutants require grab samples or require analysis within a short time frame. Limits for these pollutants apply to each discrete grab sample. Each grab sample will be evaluated individually.

Comment [HG2]: No longer apply.

**(Note to Permit Writer:**

- Limitations shall be based on local limits or applicable categorical standards. If one sampling location is used to demonstrate compliance with effluent quality limits, the most stringent limit shall be presented in list and described in the Limit Type column.
- For production-based categorical standards, flow and production rates used to develop limits need to be stated in footnotes.
- If the IU is subject to categorical regulations that have established BMP pretreatment standards, the BMP provisions and demonstration of compliance shall be presented in this section.)
- Apply the appropriate lead and zinc limit based on the daily discharge volume of the Industrial User. Tier I limits are applied to Industrial Users that discharge less than 1 MGD, and Tier II limits are applied to Industrial Users that discharge greater than 1 MGD.

## SECTION II

### REPORTING REQUIREMENTS

1. All reports required by this permit shall be submitted to the City of Nacogdoches at the following address:  
  
City of Nacogdoches  
~~Environmental Manager~~ Environmental Coordinator – Wastewater Treatment  
P.O. Box 635030  
Nacogdoches, TX 75961
2. The attached semi-annual monitoring reports shall be completed and submitted by the 20<sup>th</sup> day of the month following each evaluation period.  
The evaluation periods for your semi-annual self-monitoring reports are:
  - January – May the first semi-annual report is due by June 20<sup>th</sup>.
  - June - October the second report is due by November 20<sup>th</sup>.
3. The certification statement in Section V of the Semi-Annual Compliance Report shall be submitted and signed by an authorized representative of the industry.
4. Results of any re-tests, including laboratory analytical reports, shall be submitted for any parameter outside of allowable limits listed within this permit. (for additional details, see SECTION III. 3).
5. The demonstration of compliance to all applicable BMPs described in SECTION I of this permit shall be submitted with each semi-annual self-monitoring report.
6. The monitoring of any regulated pollutant at the appropriate sampling locations shall be submitted with the semi-annual compliance report. This applies only to sampling and analyses conducted in accordance with standard methods (latest approved edition).
7. The permittee has the responsibility to identify the toxic organic constituents of any solvents and degreasers that use commercial or trademark names and shall not only list the proprietary name(s).
8. If BMP or TTO non-compliance is indicated by sampling and analysis by the city or by the permittee, the permittee will initiate TTO sampling at a frequency and duration specified by the city.
9. Resampling and reporting shall be conducted within 30 days upon awareness of violation.
10. Compliance Schedule Reporting: No later than 14 days following each date in the above schedule, the permittee shall submit to the [name of Control Authority] a report including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with the increment of progress, the reasons for delay, and the steps being taken to return the project to the schedule established

## SECTION III

### SAMPLING AND MONITORING REQUIREMENTS:

1. Sampling location shall be: the discharge side of the parshall flume located approximately sixty-four feet west of the railroad tracks and one-hundred eighteen feet north of the southern fence line. This stream should be sampled for all parameters listed on SECTION I.

Testing for metals, toxic organics (excluding volatile organics), CBOD, TSS, and ammonia shall be by composite sample caught over a 24-hour workday. The permittee may use an automatic sampler with samples caught every 15 minutes or the samples may be manually caught once every half-hour over a 24-hour workday and composited. During the workday, four (4) grab samples should be caught approximately two (2) hours apart and analyzed separate for cyanide, oil & grease, pH, temperature. *(Note to permit writer: The composite sampling requirements and number of grabs established in the permit shall be specified and sufficient to assess and assure compliance by the permittee with applicable pretreatment standards and requirements. More than four grab samples collected and analyzed separately may be authorized to ensure sampling is representative.)*

2. One set of sampling and analysis is required for each semi-annual compliance report.

3. In the event the self-monitoring sampling and analysis indicates that any discharge is non-compliant, the permittee shall notify the city's [environmental manager](#) [Environmental Coordinator](#) – wastewater treatment within twenty-four (24) hours of receiving the test results of any parameters out of compliance. Any parameters found to be out of compliance with the facility's permit will be deemed a violation and may be surcharged for the violation(s). The permittee shall repeat the sampling and analysis for all non-compliant parameters at the discharge points where the non-compliance occurred. The repeat sampling and analysis must be completed within 30 days of receipt of the laboratory report indicating non-compliance. The permittee shall continue to monitor on a 30-day schedule until compliance is achieved.

Resampling is not required if the City performs sampling at the facility at least once a month or if the City has performed sampling at the facility between the time when the sample that was non-compliant was collected and the time when the permittee or City receives the results of the sampling and analysis. If the City conducts the repeat sampling in lieu of the industrial user, the sampling and analysis will be conducted within 30 days of becoming aware of the initial violation.

4. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutants in question, or where the EPA determines that Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, the sampling and analysis shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the [environmental manager](#) [Environmental Coordinator](#) – wastewater treatment or other parties, approved by the EPA. All analysis shall be conducted to detection levels of permitted limits or lower.

5. All laboratory analysis (or copies) should be attached to the semi-annual compliance report. The laboratory reports should include the signature of the sampler, the date, time, and place of sampling. Completed chain of custody sheets, methodology, and QA/QC sheets should accompany all results. Laboratory reports must show detection limit, or test result numbers.

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6. The city ~~environmental manager~~[Environmental Coordinator](#) – wastewater treatment should be notified at least seven (7) days prior to the actual sampling. This will allow the city to witness the sampling and will allow the city and the permittee the opportunity to split the sample if necessary.

7. The permittee shall provide and maintain at their expense a control manhole(s) with such monitoring facilities as may be required for the type of operation and industrial waste involved. The purpose of these facilities shall be to allow inspection, sampling, and flow measurement of the facilities sewer. There shall be ample room in or near such control manholes or facilities to allow accurate sampling and preparation of the samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

8. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Facilities shall be protected from flooding and shall have an all-weather access road.

9. All sampling and flow measurement equipment used in control manholes shall be calibrated at the expense of the user at least semiannually with written verification submitted to the city. This equipment shall also be subject to calibration by the city, unless other arrangements acceptable to the city are made.

10. The failure of a user to keep the monitoring facility accessible and in good working order shall not be grounds for the user to claim that sample results are unrepresentative of the discharge.

11. The city shall have the right to set up on permittee's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

12. All sampling equipment and containments set out by the City of Nacogdoches shall remain the property of the City of Nacogdoches, and shall not be altered or tampered with by other than city personnel unless directly authorized by the city ~~environmental manager~~[Environmental Coordinator](#) – wastewater treatment.

13. Data collected shall be representative of the daily discharge over the reporting period, i.e. pollutant concentrations, flow, production rates.

14. Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

15. Daily average concentration means the arithmetic average of all effluent samples collected within one calendar month. Where only one sample is collected during a calendar month, that one result shall be the daily average concentration for the respective month.

16. Daily average maximum limit means the maximum allowable discharge limit of a pollutant during a calendar month. Where daily maximum limits are expressed in terms of a concentration, the daily average discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that month.

## SECTION IV

### RECORD KEEPING REQUIREMENTS:

1. The permittee shall maintain records of all information, including documentation of compliance with BMP's, resulting from all monitoring activities for a minimum of three (3) years. The records shall be available for inspection and copying by the City of Nacogdoches.
2. The permittee shall maintain a current City of Nacogdoches wastewater discharge permit.

## SECTION V

### NOTIFICATION REQUIREMENTS:

1. The permittee shall notify the city in writing in the event of any of the following:

- a. Thirty (30) days prior to changes in ownership or mailing address  
A letter must be submitted to the city ~~environmental manager~~Environmental Coordinator – wastewater treatment, and provision of a copy of the existing permit to the new owner or operators (s).

A permit may not be assigned to a new owner or to a new or changed operation without the approval of the city. Any succeeding owners to which a permit is assigned shall comply with the conditions of that permit. Permits issued to new owners or due to changed operation shall be subject to the charged for a new permit.

- b. Significant changes in operations, processes, and products, including any change in the SIC number or any increase in flow of 20 percent or greater.
- c. Changes in strength or volume of industrial wastes, including any new pollutants.
- d. Any changes in the layout of sewers carrying industrial wastes.
- e. Major changes in plant employment, production schedule, and pretreatment facility schedule.
- f. Any conditions which could increase the possibility of an accidental or slug discharge.
- g. Changes in type or amount of toxic pollutants scheduled for disposal outside the sewage works.

2. The permittee shall notify the City of Nacogdoches wastewater treatment plant at (936-564-5046) and receive clearance prior to making any discharge that could cause problems at the plant, including slug discharges. In the event of an accidental discharge, the treatment plant shall be notified immediately.

During normal business hours (8:00am to 5:00 pm Monday through Friday) the City of Nacogdoches should be notified by telephone at (936) 564-5046. After Business hours, the following contact numbers should be called until someone is reached:

\*On-Call Operator -

\*Water Utilities Manager Cell Phone – (281) 979-5215

\*Environmental ~~Mngr~~Coordinator – WW Treatment Cell Phone – (281) 635-0041

A written notification shall be provided within five days of occurrence. The notification shall include cause and location of discharge, date and time thereof, type of waste, including concentration and volume, and corrective actions taken.

3. Emergency phone numbers for water pollution control will be posted for employees at all times.

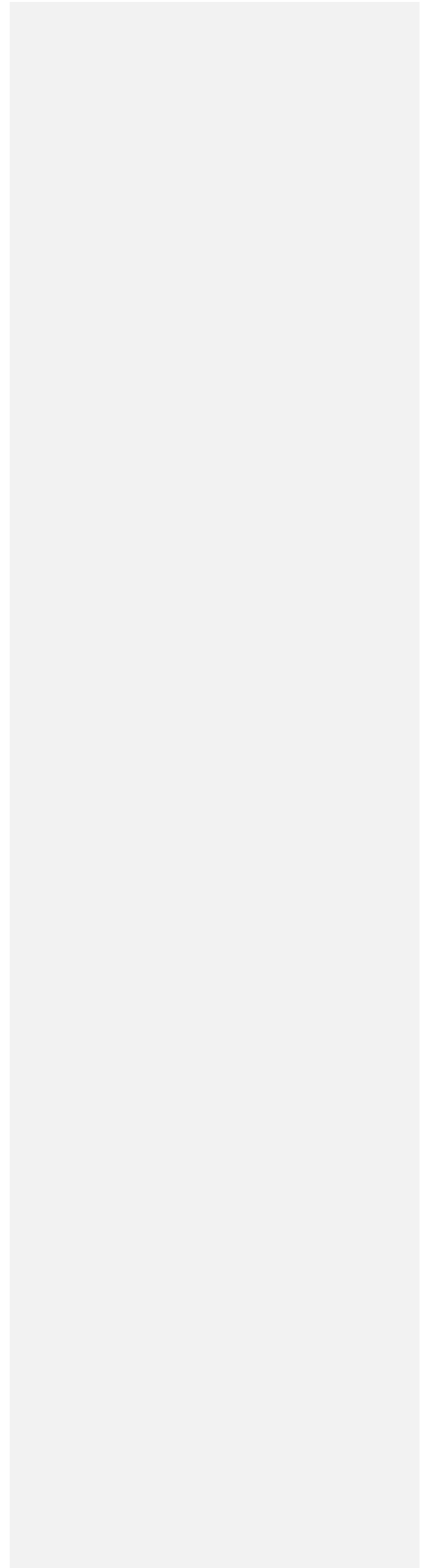
4. The city shall be notified within 24 hours of an identified effluent violation: wastewater treatment plant phone number: (936) 564-5046.

5. The permittee shall maintain a current City of Nacogdoches wastewater discharge permit. The permittee shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the existing permit.



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**6. The permittee shall provide notification of batch discharges in sufficient time for the City of Nacogdoches to collect a representative sample.**



## SECTION VI

### SPECIAL REQUIREMENTS:

1. Toxicity limits may be developed and made a part of this permit if deemed necessary to prevent interferences or inhibition of city biological wastewater treatment processes.
2. The permittee shall maintain an all-weather road to the control manhole at their own expense to enable the city to monitor their effluent wastestream.
3. *Notification of hazardous waste disposal:* the permittee shall notify the POTW, the EPA regional waste management division director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the permittee discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the permittee: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12 (j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12 (b) (d) and (e).
4. *General prohibitions:* the permittee may not introduce into the city POTW any pollutant(s) which causes pass through or interference. This prohibition applies to all industrial users whether or not the industrial user is subject to categorical standards or any other national, state, or local pretreatment requirements.
5. *Specific prohibitions:* no person shall discharge either directly or indirectly any of the following described substances, materials, waters or wastes:
  - a) pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed cup flash point of less than 140 degrees Fahrenheit (60 degrees Celsius using the test methods specified in 40 CFR 261.21;
  - b) any waters or wastes having a pH lower than 5.5 or higher than 9.5 or having any corrosive property capable of causing damage or hazards to structures, equipment, or personnel of the sewage treatment plant;
  - c) any solids, slurries, or viscous substances of such character and amounts as to be capable of obstructing the flow in sewers or otherwise interfering with the proper operation of the sewage works, such as ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, slops, chemical residues, paint residues, grease trap cleanings, or bulk solids;
  - d) pollutants, including oxygen-demanding pollutants (CBOD, etc.), discharged at a flow rate and/or pollutant concentration which, either, singly, or by interaction with other pollutants, will cause interference;
  - e) any liquid having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius), or which will inhibit biological activity in the treatment plant resulting in

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interference, but in no case any sewage which raises the temperature at the upstream end of the treatment plant above 104 degrees Fahrenheit (40 degrees Celsius);

f) petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

g) pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

h) any trucked or hauled pollutants, except for those authorized in section 106-68(i), and then only at the treatment plant according to section 106-68(i);

i) any water or waste which contains wax, grease, or oil, plastic or other substance that will solidify or become discernibly viscous at temperatures between 32 degrees to 150 degrees Fahrenheit;

j) any garbage except properly shredded garbage as defined in section 106-66;

k) any noxious or malodorous substance, which either singly or by interaction with other substances is capable of causing objectionable odors or hazard to life; forms solids in concentrations exceeding limits established in sections 106-70(c), 106-70(d), 106-70(e) and 106-70(f); creates any other condition deleterious to structures or treatment processes; requires unusual provisions, alteration, or expense to handle such material; or can prevent entry into the sewers for maintenance and repair;

l) any wastes or waters containing suspended or dissolved solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant or in the public sewage works;

m) any waters or wastes containing toxic or poisonous substances such as plating or heat treating wastes in sufficient quantity to injure or interfere with any sewage treatment process, to constitute a hazard to persons or animals, or to create any hazard in the receiving stream of the sewage treatment plant;

n) any materials causing excessive discoloration to the treatment plant effluent, unusual or immediate biochemical oxygen demand, or hydrogen sulfide concentrations sufficient to cause explosion hazards or structural corrosion;

o) any antibiotics, bactericidal solutions, bacteriostatic solutions, unless rendered ineffective by pretreatment;

p) sludge, screenings, or other residues from the pretreatment of industrial wastes;

q) medical wastes, unless specifically authorized in a permit;

r) sewage causing, alone or in conjunction with other substances, the treatment plant effluent to fail a toxicity test; or

s) detergents, surface-active agents, or other substances which may cause excessive foaming in the treatment plant.

## SECTION VII

### PRETREATMENT REQUIREMENTS:

A. Any industrial user required to construct pretreatment facilities shall submit to the city detailed plans for their construction and for their operating procedures. The city must approve these plans before construction begins. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under this division. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

B. Any industrial user who operates pretreatment facilities as a requirement for meeting pretreatment standards or requirements shall normally:

- (1) Keep the pretreatment facilities in full operation at all times during discharge of industrial waste to the sewage works; and
- (2) Route all designated industrial waste through such facilities prior to discharge. There is no bypassing of any process waste to city sewers.
- (3) Dilution of wastes by increased use of process water, or by any other methods, will not be acceptable as a partial or complete substitute for adequate pretreatment to achieve compliance with pretreatment standard or requirement, unless specifically allowed elsewhere in this division or in the applicable national pretreatment standard or local pretreatment requirement.
- (4) any industrial user required by categorical standards shall follow prescribed management practices such as best management practices (BMPs) and toxic organic management plans (TOMPs), and other management plans and/or pollution prevention alternatives as applicable. *(Note to permit writer: Applicable BMPs, TOMPs, management plans, pollution prevention alternatives and/or other action shall be described in this section of the SIU permit.)*

C. Compliance Schedule: *(Sample Compliance Schedule)* The permittee shall accomplish the following tasks in the designated time period:

| Event  | No Later Than |
|--|---------------|
| 1. New wastewater pretreatment plant design completed.   | [Date]        |
| 2. Equipment and materials ordered   | [Date]        |
| 3. Develop and submit a copy to the [name of Control Authority] a slug loading control plan to eliminate or minimize the accidental spill or slug discharge of pollutants into the sewer system. | [Date]        |
| 4. Implement the slug loading control plan.  | [Date]        |
| 5. Complete installation of wastewater pretreatment plant  | [Date]        |
| 6. Obtain full pretreatment plant operational status and achieve full compliance   |               |

## SECTION VIII

### RIGHT OF ENTRY:

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1. The permittee shall cooperate with the City of Nacogdoches, the Texas Commission on Environmental Quality (TCEQ), the Environmental Protection Agency (EPA) and its representatives by providing ready access (within 15 minutes) at all reasonable times to all parts of the premises for the purpose of inspection, sampling inspections, compliance monitoring, and/or metering operations, records examination and to take independent samples in addition to compliance monitoring when necessary for the study of industrial waste.
2. When a user has security measures requiring proper identification and clearance before entry into its premises, the user shall arrange with its security guards for the ~~environmental manager~~ **Environmental Coordinator** – wastewater treatment to enter without delay upon presenting suitable identification.
3. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user, at his own expense, at the written or verbal request of the ~~environmental manager~~ **Environmental Coordinator** – wastewater treatment, and shall not be replaced.
4. The city may seek issuance of a search warrant from the appropriate city or state court if the ~~environmental manager~~ **Environmental Coordinator** – wastewater treatment has been refused access to a building, structure, or property, or any part thereof, and can demonstrate:
  - A. Probable cause to believe that there may be a violation of this division.
  - B. The need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to:
    1. Verify compliance with this division or any permit or order issued under this division.
    2. Protect the overall public health, safety, and welfare of the community.
5. The city shall have the right to require the permittee to provide and maintain at their expense a control manhole(s) to allow inspection, sampling, and flow measurement of the facilities sewer.
6. The city, the approval authority, or the environmental protection agency shall have the right to set up on permittee's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.
7. All sampling equipment and containments set out by the City of Nacogdoches shall remain the property of the City of Nacogdoches, and shall not be altered or tampered with by other than city personnel unless directly authorized by the city ~~environmental manager~~ **Environmental Coordinator** – wastewater treatment.

## SECTION IX

### **PENALTIES:**

- 1) VIOLATION OF STATE AND FEDERAL STATUTES.** If any person violates any provision of this article, and thereby violates a state or federal statute or injunction, the city may seek prosecution of that person in the appropriate state or federal court, and may seek such penalties as are prescribed by that statute or injunction.
- 2) FINES.** If any person violates any provision of this article, and the violation is not punishable in state or federal courts, that person shall be guilty of a misdemeanor upon conviction in the city court. Each offense shall be punished by a fine not to exceed two thousand dollars (\$2,000.00). Each day of such violation shall be deemed a separate offense. For violations of a monthly average permit limit, each day of discharge during the month may be considered a day of violation.
- 3) DAMAGES.** Any person violating any of the sections of this division shall become liable to the city for any expense, loss, or damage incurred by the city because of such violation.
- 4) FEDERAL OR STATE PROSECUTION.** Any penalties imposed under this division, including penalties imposed by state or federal courts, shall not relieve the violator from further state or federal prosecution.
- 5) CRIMINAL PROSECUTION**
  - (a) A User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$2,000.00 per violation, and each day that the violation continues shall constitute a distinct and separate offense.
  - (b) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a maximum fine of up to \$2,000.00. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law. Each day that the violation continues shall constitute a distinct and separate offense.
  - (c) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than \$2,000.00 per violation. Each day that the violation continues shall constitute a distinct and separate offense.
  - (d) Nothing in this section shall limit in any manner the authority of the City to seek any injunctive or other civil relief available under State or Federal Law.
- 6) REVOCATION OF PERMIT.** Termination of service, as allowed under the sewer ordinance, may be implemented as a measure to mitigate non-compliance.
- 7) ACT OF GOD DEFENSE.** In any enforcement proceeding, the industrial user may seek to establish the act of God affirmative defense as defined in Section 106-76(i) of the Sewer Use Ordinance. The user shall have the burden of providing, by a preponderance of the evidence as described in Section 106-6(i)(2) of the ordinance, that an event that would otherwise be a violation of this permit was caused solely by an act of God, war, strike, riot or other catastrophe.

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- 8) The City shall annually publish in the Nacogdoches Daily Sentinel a list of industrial users in significant noncompliance with the City's pretreatment program. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria (40 CFR PART 403.8 (f) (2) (viii)):
- (A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all measurements taken for the same parameter taken during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in SECTION I. [# of violations / # of samples]
  - (B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH); [# of violations greater than 120 or 140 percent of limit / # of samples]
  - (C) Any other violation of a Pretreatment Standard or Requirement defined in SECTION I (daily maximum, longer term average, Instantaneous Limit, or narrative standard) that the control authority 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);
  - (D) 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 to halt or prevent such a discharge;
  - (E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
  - (F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, compliance reports for categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
  - (G) failure to accurately report noncompliance;
  - (H) any other violation, which may include a violation of BMPs, which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

**SEMI-ANNUAL COMPLIANCE REPORT**

**I. COMPANY INFORMATION:**

**NAME:** \_\_\_\_\_

**MAILING ADDRESS:** \_\_\_\_\_

**TELEPHONE NO.** \_\_\_\_\_

**CITY OF NACOGDOCHES WASTEWATER DISCHARGE PERMIT NO.** \_\_\_\_\_

**STANDARD INDUSTRIAL CODES:** \_\_\_\_\_

**INDUSTRIAL WASTE CONTACT PERSON:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_

**II. OPERATIONS UPDATE:**

Have there been any significant changes in the operating procedures or products of this facility since the last permit application and/or compliance report was filed?

YES \_\_\_ NO \_\_\_

IF YES, PLEASE EXPLAIN \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(City Use Only)

Date Received: \_\_\_\_\_  
By: \_\_\_\_\_



### III. WASTEWATER STREAM ANALYSIS

A. SAMPLING POINT #1: \_\_\_\_\_

B. SAMPLING INFORMATION: DATE/TIME (SET) \_\_\_\_\_  
 TO: DATE/TIME (PICK-UP) \_\_\_\_\_

C. SAMPLE CAUGHT BY: \_\_\_\_\_

D. 24-HOUR COMPOSITE: TEST RESULTS

| PARAMETERS*<br>(in mg/l unless otherwise noted) | LIMITATIONS ON WASTEWATER STRENGTH |                                    | ANALYTICAL RESULTS |
|---|------------------------------------|------------------------------------|--------------------|
|   | Daily Composite Maximum            | Daily Average <u>Maximum Limit</u> |                    |
| CBOD  | 500                                | ---                                |                    |
| TSS   | 300                                | ---                                |                    |
| AMMONIA   | 20                                 | ---                                |                    |
| FLOW (Gallons per day)                          | 75,000                             | ---                                |                    |
| ALUMINUM  | 2.9                                | 2.9                                |                    |
| ARSENIC   | 0.3---                             | 0.322                              |                    |
| BARIUM  | 2.0                                | 1.0                                |                    |
| CADMIUM   | ---0.05                            | 0.0030-0.25                        |                    |
| CHROMIUM, TOTAL                                 | ---3.4                             | 2.263-4                            |                    |
| CHROMIUM HEXAVALENT                             | 0.0012*                            | 0.0012*                            |                    |
| COPPER  | ---2.0                             | 0.9---                             |                    |
| LEAD  | *---                               | ---**                              |                    |
| MANGANESE                                       | ---2.0                             | 1.0                                |                    |
| MERCURY   | ---0.000*                          | 0.000270-0.000*                    |                    |
| NICKEL  | ---3.1                             | 0.261-5                            |                    |
| SELENIUM  | ---0.1                             | 0.0250-0.5                         |                    |
| SILVER  | ---0.5                             | 0.0270-25                          |                    |
| ZINC  | ---*0.7                            | ---*---                            |                    |
| BORON   | 1                                  | ---                                |                    |
| IRON  | 5                                  | ---                                |                    |
| CHLORIDES                                       | 250                                | ---                                |                    |

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\*Surcharge limits will be used for rate assessment and surcharge monitoring only. Local limits will be used for compliance determinations and enforcement purposes. Other limits are permit specific and shall be enforced as Local Limits.

***\*\*Note to Permit Writer: Include the appropriate Lead and Zinc limits for the IUs based on the tiered limit structure as specified in Section I of the permit.***

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**E. GRAB SAMPLING: TEST RESULTS**

**a. OIL & GREASE (mg/L)**

|    | time/date | sample caught by | permit limit | test results |
|----|-----------|------------------|--------------|--------------|
| 1. | _____     | _____            | _____        | _____        |
| 2. | _____     | _____            | _____        | _____        |
| 3. | _____     | _____            | _____        | _____        |
| 4. | _____     | _____            | _____        | _____        |

**b. pH (pH units)**

|    | time/date | sample caught by | permit limit | test results |
|----|-----------|------------------|--------------|--------------|
| 1. | _____     | _____            | _____        | _____        |
| 2. | _____     | _____            | _____        | _____        |
| 3. | _____     | _____            | _____        | _____        |
| 4. | _____     | _____            | _____        | _____        |

**c. TEMPERATURE (°C)**

|    | time/date | sample caught by | permit limit | test results |
|----|-----------|------------------|--------------|--------------|
| 1. | _____     | _____            | _____        | _____        |
| 2. | _____     | _____            | _____        | _____        |
| 3. | _____     | _____            | _____        | _____        |
| 4. | _____     | _____            | _____        | _____        |

**d. CYANIDE (mg/L)**

|    | time/date | sample caught by | permit limit | test results |
|----|-----------|------------------|--------------|--------------|
| 1. | _____     | _____            | _____        | _____        |
| 2. | _____     | _____            | _____        | _____        |
| 3. | _____     | _____            | _____        | _____        |
| 4. | _____     | _____            | _____        | _____        |

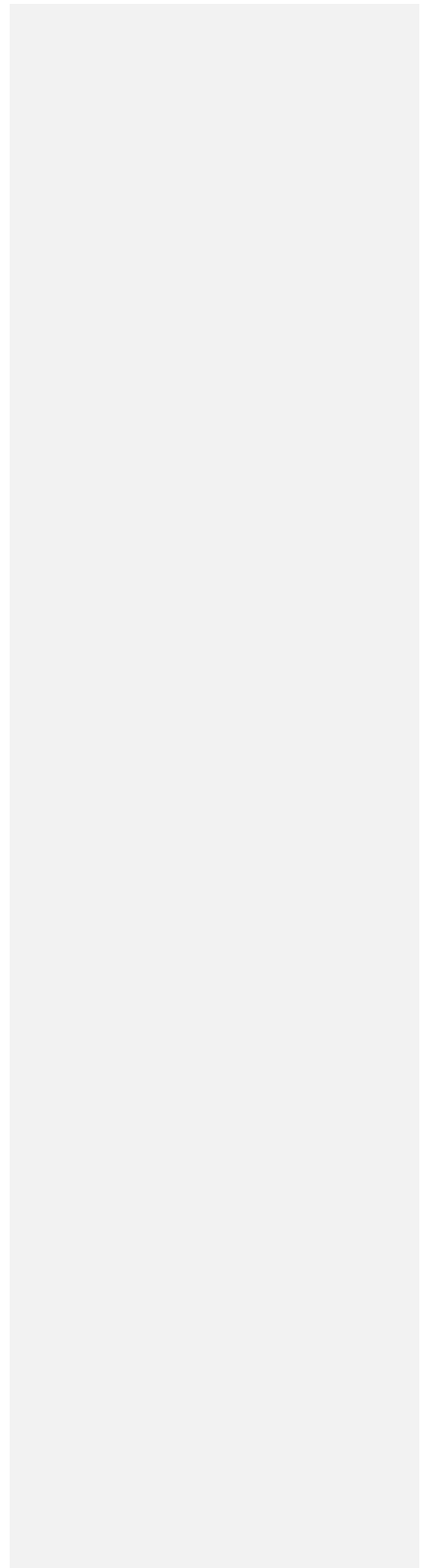
If this report indicates non-compliance on any parameter, complete SECTION IV (compliance schedule). Fill in dates in all areas that apply, in order to bring your effluent into compliance. Upon approval and notification by the city, this schedule will become official.

**PARAMETERS CONVERSION DATA SHEET:**

If the parameters are reported in lbs./D, conversion factors must be shown on data sheet.

Calculation (Conversion) Data - mg/L. to lbs./D.  
Formula:  $\text{mg/L.} \times 8.34 \times \text{flow} = \text{lbs./D.}$

|    | Parameter | Calculation | Result |
|----|-----------|-------------|--------|
| 1. | _____     | _____       | _____  |
| 2. | _____     | _____       | _____  |
| 3. | _____     | _____       | _____  |
| 4. | _____     | _____       | _____  |
| 5. | _____     | _____       | _____  |



### III. COMPLIANCE SCHEDULE

IDENTIFY ADDITIONAL PRETREATMENT AND/OR OPERATIONAL AND MAINTENANCE MEASURES WHICH ARE EXPECTED TO BRING YOUR COMPANY INTO COMPLIANCE AND LIST THEM BELOW:

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
- 5) \_\_\_\_\_

COMPLETE THE FOLLOWING COMPLIANCE SCHEDULE FOR THE MEASURES RECOMMENDED ABOVE:

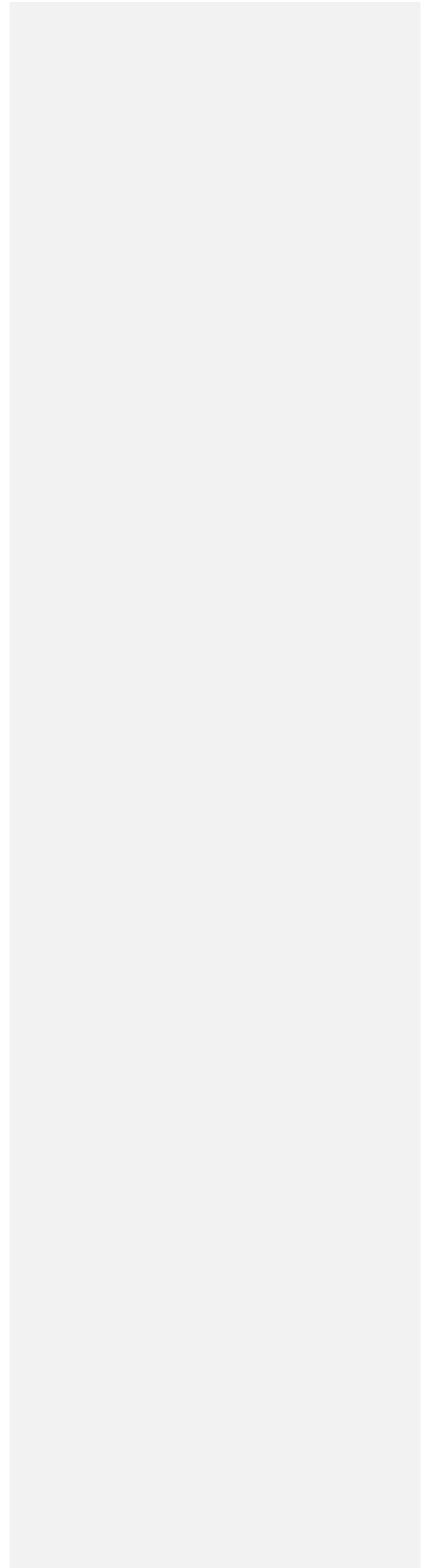
| <u>INCREMENT OF PROGRESS:</u>         | <u>COMMENCEMENT DATE</u> | <u>COMPLETION DATE</u> |
|---------------------------------------|--------------------------|------------------------|
| <b>A. ENGINEERING INVESTIGATION</b>   | _____                    | _____                  |
| CONSULTANT SELECTION                  | _____                    | _____                  |
| REVIEW OF PRESENT COND.               | _____                    | _____                  |
| TREATMENT. PROCESS.                   | _____                    | _____                  |
| CONCEPTUAL DESIGN                     | _____                    | _____                  |
| FINAL DESIGN                          | _____                    | _____                  |
| <b>B. PERMITTING PROCESS</b>          | _____                    | _____                  |
| <b>C. CONSTRUCTION</b>                | _____                    | _____                  |
| EQUIPMENT SELECTION                   | _____                    | _____                  |
| INSTALLATION                          | _____                    | _____                  |
| <b>D. STARTUP &amp; TROUBLE SHOOT</b> | _____                    | _____                  |
| <b>E. COMPLETION/COMPLIANCE</b>       | _____                    | _____                  |

NO PROGRESS INCREMENT SHALL EXCEED NINE (9) MONTHS; SUBDIVIDE ANY INCREMENT IF IT EXCEEDS NINE (9) MONTHS.

WITHIN FOURTEEN (14) DAYS OF EACH COMPLETION DATE IN THE SCHEDULE, YOUR COMPANY SHALL SUBMIT A PROGRESS REPORT TO THE CITY OF NACOGDOCHES, INDICATING WHETHER OR NOT IT COMPLIED WITH THE INCREMENT OF PROGRESS TO BE MET ON SUCH DATE, AND IF NOT, THE DATE ON WHICH IT EXPECTS TO COMPLY WITH THIS INCREMENT OF PROGRESS AND THE STEPS BEING TAKEN TO RETURN TO THE SCHEDULE.

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**IV. HAZARDOUS MATERIALS UPDATE {SUPPLY A LIST}**



## V. CERTIFICATION

"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 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."

---

**Signature Of Authorized Company Official<sup>(\*)</sup>** **Date**

---

**Print or Type Name of Official** **Title**

\*An authorized representative of an industrial user may be:

- (1) *Corporations.*
  - a. A president, vice-president, secretary, or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.
  - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measure to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit [or general permit (optional)] requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures
- (2) *Partnerships.* A general partner.
- (3) *Proprietorships.* The proprietor.
- (4) *Governmental facility (federal, state, or local).* A director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or a ranking elected official for the governmental entity.
- (5) *Any organization.* A duly authorized representative of the individual designated in subsection (1), (2), or (3) above, provided:
  - a. The authorization is made in writing by the individual above;
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, or an equivalent position, or having overall responsibility for environmental matters for the company; and
  - c. The written authorization is submitted to the city.