

TOWN OF SHIRLEY, MASSACHUSETTS



INDUSTRIAL PRETREATMENT PROGRAM

**MAY 2003
REV. NOVEMBER 2003**

**TOWN OF SHIRLEY, MASSACHUSETTS
BOARD OF SEWER COMMISSIONERS**

INDUSTRIAL PRETREATMENT PROGRAM STANDARD CONDITIONS FOR PERMITS

1. GENERAL CONDITIONS AND DEFINITIONS

1.1 Applicability

All Commercial or industrial entities connected to the Town of Shirley Sanitary Sewer System must register with the Shirley Industrial Pretreatment Program. No person shall discharge any process discharge without a Wastewater Discharge Permit.

1.2 Compliance with Applicable Pretreatment Standards and Requirements

Compliance with these regulations or a with the provisions of the Wastewater Discharge Permit does not relieve the permittee from its obligations regarding compliance with any and all applicable local, State and Federal pretreatment standards and requirements including any such standards or requirements that may become effective during the term of this permit.

1.3 Revisions to regulations

The Town of Shirley reserves the right to amend or revise these regulations from time to time as necessary.

1.4 Definitions

- A. Daily Maximum: The maximum allowable discharge of pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all taken that day.
- B. Composite Sample: A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time composite sample: composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow; or as a flow proportional composite sample: collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.
- C. Grab Sample: An individual sample collected in less than 15 minutes, without regard for flow or time.
- D. Maximum Concentration: The maximum concentration of a pollutant allowed to be discharged by a permittee at any given time. Concentrations are expressed as the weight of the contaminant per unit volume of water, typically milligrams per liter (mg/l) but this may vary by contaminant.
- E. Cooling Water:
 - 1. Non-Contact: Water used for cooling purposes which has no direct contact with any raw material, intermediate, or final product and which does not contain a level of contaminants

detectably higher than that of the intake water. *Permittees or applicants may be required to submit analytical testing results to prove that non-contact cooling water is not contaminated.*

2. Contact: Water used for cooling purposes which may become contaminated either through the use of chemicals such as corrosion inhibitors or biocides, or by direct contact with process materials, product and/or wastewater.
- F. Monthly Average: The arithmetic mean of the values for effluent samples collected during a calendar month or specified 30day period (as opposed to a rolling 30 day window).
- G. Weekly Average: The arithmetic mean of the values for effluent samples collected over a period of seven consecutive days.
- H. Bi-Weekly: Once every other week.
- I. Bi-Monthly: Once every other month.
- J. Upset: Means an exceptional, short duration incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, improper operation and maintenance or lack thereof.
- K. Bypass: Means the diversion of wastes around any portion of a treatment facility.
- L. Wet process: Any manufacturing or commercial process or operation which generates a liquid waste stream.
- M. Process Discharge: the waste stream resultant from a wet process.
- N. Sanitary Flow: Waste water which results from the normal use of restrooms and lavatories. For example: An office with a two restrooms and a small kitchen sink would be considered to have only sanitary flow.
- O. Town: When referenced in this document, this term shall be taken to be interchangeable with the terms “Town of Shirley, Board of Sewer Commissioners”, “Town of Shirley Industrial Pretreatment Program”, “Shirley IPP”.
- P. Day: Unless otherwise noted, the term “day” shall be taken to mean calendar day.
- Q. Reasonable time: shall be taken to mean any time that the permittee is operating some or all of its facilities.
- R. Inspection: An unannounced tour of a facility intended to provide the Town with sufficient evidence to confirm information provided by the permittee, and access the potential for hazardous releases to the collection system. During an inspection, the inspector will take written notes, sketches and photographs necessary to document the inspection.
- S. Material or substantial alterations: This shall be taken to mean the addition of any new process discharge, or increasing the volume or strength of existing process discharge(s) by more than ten

percent (10%).

- T. Permitee: A person or entity which holds a wastewater discharge permit with the Town of Shirley. The term permittee may also be used to describe a person or entity currently in the process of applying for a discharge permit to describe certain requirements, however no rights are conveyed by that usage.
- U. Treatment works or "POTW": the wastewater treatment plant which receives treats and discharges the wastewater from the Town of Shirley's sanitary sewer collection system. Currently this is the facility located on Devens and owned by Mass Development, its successors or assigns.

1.5 Wastewater Discharge Permits:

- A. Applicability: No person shall discharge any non-sanitary wastewater or other process discharge or any other material into the Shirley sanitary sewer collection system without a valid wastewater discharge permit. Persons wishing to discharge non-sanitary wastewaters must first complete a wastewater discharge permit application issued by the Town of Shirley. Applications must be received at least ninety (90) days prior to the date of intended discharge.
- B. Application process: The Town shall review the Discharge Permit Application and make inquiries and inspections necessary to fully understand the process and any potential for harm to the collection system, treatment works or the Towns discharge permit. The Town may require analytical testing of process discharges for systems in operation yet not connected to the system at the time of application.
- C. Permit provisions: The Town will issue a discharge permit that describes:
 - a. The name and address of the business, the name of the legal Owner and responsible person or Principal in Charge.
 - b. Each process discharge allowed under the permit,
 - c. The anticipated discharge volume associated with each discharge,
 - d. The type of commercial or industrial activity conducted at the facility
- D. Duty to Comply: The permittee must comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action, enforcement proceedings including civil or criminal penalties, injunctive, summary abatements, and possible termination of sewer service.

1.6 Duty to Mitigate

The permittee shall take all necessary steps to minimize or correct any adverse impact to the treatment works or the environment from noncompliance with permit, including additional monitoring as deemed necessary by the Town to accurately determine the extent and duration of non-compliance.

1.7 Permit Modification

This permit may be modified at any time for reasons including, but not limited to, the following:

- A. To incorporate any new or revised federal, state, or local pretreatment or requirements
- B. To incorporate new or revised conditions imposed on the Town of Shirley by MassDevelopment

or the current owners of the treatment works whether by modification of the Towns discharge permit, administrative order or other means.

- C. Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not in drafting the effective permit
- D. A change in any condition in either the industrial user or the treatment works that requires either a temporary or permanent reduction or elimination of the authorized discharge
- E. Information indicating that the permitted discharge poses a threat to the Town of Shirley or Deven's collection and treatment systems, POTW personnel or the receiving waters
- F. Violation of any terms or conditions of the permit
- G. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting
- H. Revision of or a grant of variance from such categorical standards pursuant to 40 CFR 403.13;
- I. To correct typographical or other errors in the permit
- J. To reflect transfer of the facility ownership and/or operation to a new owner/operator
- K. Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.
- L. To reflect an increase or decrease in monitoring requirements based upon the permittees compliance history.

The filing of a request by the permittee for a permit modification, revocation and Re-issuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

1.8 Permit Termination

A discharge permit may be terminated for the following reasons:

- A. Falsifying self-monitoring reports
- B. Tampering with monitoring equipment
- C. Refusing to allow timely access to the facility premises and records
- D. Failure to meet effluent limitations
- E. Failure to pay fines
- F. Failure to pay sewer charges or IPP fee.
- G. Failure to meet compliance schedules as defined in the individual Industrial Permit.

- H. Significantly changing the nature or volume of process discharge by modifying or adding wet processes without proper notification.
- I. Failure to operate pretreatment system in accordance with the provisions of the Discharge permit including deliberate and fraudulent operation intended to artificially lower the results of monitoring.
- J. Failure to reapply in accordance with the provisions set forth within.
- K. Harm or potential Harm to the POTW.

1.9 Permit Appeals

The permittee may petition to appeal the terms of this permit within thirty (30) of issuance.

The petition must be made in writing; failure to submit a petition for review within the timeframe stipulated shall be deemed to be a waiver of the permittees right to appeal. In its petition, the permittee must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the permit.

The conditions of the permit shall not be stayed pending reconsideration by the Town of Shirley Sewer Commission. If, after considering the petition and any arguments put forth by the permittee, the Town of Shirley Sewer Commission determines that reconsideration is proper, it shall issue a revised permit to the permittee.

1.10 Property Rights

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

1.11 Permit Transfer

Permits may be reassigned or transferred to a new owner and/or operator with prior approval of the Sewer Commission subject to the following provisions:

- A. The permittee must give a minimum of thirty (30) days advance notice to the Town of Shirley Sewer Commission. The notice must include a written certification by the new owner which:
 - 1. Describes any intended or proposed operational changes or modifications to wet processes
 - 2. Identifies the specific date on which the transfer is to occur
 - 3. Acknowledges full responsibility for complying with the existing permit.

1.12 Duty to Reapply

Each permit shall have an expiration date. If the permittee intends to continue to discharge any non-sanitary wastewater regulated by this permit after the expiration date of this permit, the permittee must submit an application for a new permit at least 60 days before the expiration date of the current permit.

1.13. Continuation of Expired Permits

An expired permit will continue to be effective and enforceable until the permit is reissued if:

- A. The permittee has submitted a complete permit application at least sixty (60) days prior to the expiration date of the user’s existing permit.
- B. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

1.14 Dilution

The permittee shall not increase the use of potable or process water or, in any way, to dilute an effluent in order to achieve compliance with the limitation contained in this permit.

1.15 General Prohibitive Standards

The permittee shall comply with all the general prohibitive discharge standards of the Town of Shirley Sewer Use Rules and Regulations. No process flow or non-sanitary wastewater may be discharged which:

- A. Exceeds the following pollutant concentrations:

<u>Parameter</u>	<u>Maximum Concentration (mg/l)</u>
Antimony	10
Arsenic	0.30
Beryllium	0.30
Cyanide (total)	0.30
Chromium (total)	2.0
Cadmium	0.038
Copper	1.0
Lead	0.25
Nickel	1.0
Silver	0.0146
Zinc	0.75
Selenium	2.5
Mercury	0.001
Total BOD*	400
Total Suspended Solids*	400
Total Toxic Organics	5.0
Total Petroleum Hydrocarbons	100
Fats, Oils and Grease*	100
pH (no units)	5.5 - 9.5

Deleted:

* Indicates that a higher limit may be approved subject to a surcharge fee.

- B. Has a temperature higher than 104 degrees F (40 degrees C);
- C. Contains material that may congeal or solidify between 32 and 150 degrees Fahrenheit. All non-sanitary discharges shall be free from visible floating fats, oils, and greases. The use of emulsifiers or other chemical agents intended to dispense grease are strictly prohibited.

- D. Contains any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases; and in no case pollutants with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (60 C), or pollutants which cause an exceedance of 10 percent of the Lower Explosive Limit (LEL) at any point within the POTW.
- E. Contains any garbage that has not been ground by household type or other suitable garbage grinders;
- F. Contains any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch, manure, or any other solids or viscous substances capable of causing obstructions or other interferences with proper operation of the sewer system.
- G. Has a pH lower than 5.0. or greater than 9.5. Anything at a pH between 12-12.5 is considered a hazardous waste, or having any other corrosive property capable of causing damage or hazards to structures, equipment or personnel of the sewer system. Certain processes may require full time pH monitoring.
- H. Contains toxic or poisonous substances in sufficient quantity to injure or interfere with any wastewater treatment process, to constitute hazards to humans or animals, or to create any hazard in waters which receive treated effluent from the sewer system treatment plant. Toxic wastes shall include, but are not limited to wastes containing cyanide, chromium, cadmium, mercury, copper, and nickel ions;
- I. Contains noxious or malodorous gases or substances capable of creating a public nuisance; including pollutants which result in the presence of toxic gases, vapors, or fumes;
- J. Contains solids of such character and quantity that special and unusual attention is required for their handling;
- K. Contains any substance which may negatively affect the treatment plant's effluent or the treatment works compliance with its discharge permit
- L. Contains any substance which would cause the treatment plant to be in noncompliance with sludge use, recycle or disposal criteria pursuant to guidelines or regulations developed under section 405 of the Federal Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or other regulations or criteria for sludge management and disposal as required by the State;
- M. Contains color which is not removed in the treatment processes;
- N. Contains any medical or infectious wastes;
- O. Contains any radioactive wastes or isotopes

2. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

2.1 Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance

with the conditions of this permit. Proper operation and maintenance includes but is not limited to: effective performance; adequate funding; adequate operator staffing, training, and licensing in accordance with 257 CMR 2.0 as amended; and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this permit.

2.2 Duty to Halt or Reduce Activity

Upon reduction of efficiency of operation, or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit. This may include, controlling production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of treatment facility fails or is reduced.

2.3 Bypass of Treatment Facilities

- A. Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage or no feasible alternatives exist.
- B. The permittee may allow bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operation.
- C. Notification of bypass:
 - 1. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior written notice, at least ten days before the date of the bypass, to the Town of Shirley Sewer Commission and the POTW.
 - 2. Unanticipated bypass. The permittee shall immediately notify the Town of Shirley Sewer Commission and the POTW by telephone and subsequently submit a written notice to the Sewer Commission within 5 days. This report shall specify:
 - a. description of the bypass, and its cause, including its duration;
 - b. Whether the bypass has been corrected; and
 - c. The steps being taken or to be taken to reduce, eliminate and prevent a reoccurrence of the bypass.

2.4 Disposal of residuals

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in accordance with section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act. Residuals may be discharged into the sanitary sewer system only with the prior written permission of the Town if it can be clearly demonstrated that this may be accomplished in a matter compatible with both the collection system and the treatment works.

3. MONITORING

3.1 Monitoring Requirements:

The parameters to be monitored, the monitoring frequency and any requirements relative to specific methods will be listed on the discharge permit. The permit shall require the permittee to furnish analyses of its industrial wastewater to the Town on a regular basis. The type and frequency of tests to be performed shall be determined on a case-by-case basis depending upon the type of industrial activities and the potential pollutant loading as determined by the town.

3.2 Representative Sampling for Self Monitoring

All samples taken for measurement and analysis shall be representative of the nature of the permitted discharge. All samples must be collected from the sample location identified in the permit.

3.2.1 Sample location:

Each process discharge must have a safe and convenient location from which a representative sample may be drawn at any time. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water or substance. If, in the Sole discretion of the Town, no such access point exists, the permittee shall be required to install at their own expense whatever structures or plumbing fixtures as may be required to collect such samples. Prior to construction of such sample locations, the permittee must submit a written description of the proposed sample location and sketches or engineering drawings sufficient to depict the proposed sample location a minimum of sixty (60) days prior to the due date of their next sampling event. Sample locations may not be changed without prior approval of the Town.

3.2.2 Sample Collection and handling:

Samples must be collected by authorized and properly trained personnel, which are equipped to follow appropriate Standard Operating Procedures as outlined in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health. Samples must be transferred immediately to sample containers which are of sufficient volume, proper construction and are properly preserved, the containers should be labeled with the time and date of collection along with the permittees name or account number in accordance with the laboratories requirements. It is the responsibility of the permittee to obtain suitable sample containers in advance of their need. Where required, pH and temperature must be measured immediately in the field.

The samples are to be placed in an ice filled sample cooler and delivered promptly to the analytical laboratory where they must be analyzed within the holding time specific to the required parameters. A chain of custody document must be completed for each sample event and submitted along with the Self Monitoring Report. Composite samples are to be collected using equipment specifically designed for such use and properly calibrated, cleaned and fitted with an ice bath.

3.3 Flow Measurements

If flow measurement is required by this permit, the appropriate flow measurement devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated annually, and maintained by qualified factory representatives to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10 percent from true discharge rates throughout the range of expected discharge volumes.

3.4 Analytical Methods

All sampling and analysis required by this permit shall in conformance with Article II Section 12 of the Town of Shirley SEWER USE RULES AND REGULATIONS and be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, otherwise approved by EPA, or as specified in this permit. Specific methods of analysis may be required by the permit.

3.5 Laboratory Certification

All analyses must be performed by an independent laboratory certified by the Department of Environmental Protection for all parameters being analyzed. The Town may require submission of the DEP certificate, specify Quality Assurance/ Quality Control parameters or require that the permittee submit blind performance evaluation samples and have them analyzed at their own expense.

3.6 Additional Monitoring by the Permittee

The permittee shall be required to submit any analytical data collected on the permitted waste stream along with the Self Monitoring report, including data collected above and beyond that required by the permit.

4. INSPECTIONS

4.1 Right of Entry

The permittee shall allow the Town of Shirley Sewer Commission, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
- D. Sample or monitor, for the purposes of assuring permit compliance, any substances or parameters at any location; and
- E. Inspect any production, manufacturing, fabricating, or storage area and conduct investigations relative to the sanitary sewer collection system, such as dye testing or television inspection, or any other investigation necessary to confirm connection(s) to the collection system.

4.2 Duty to Provide Escort

Upon request by a duly authorized representative of the Industrial Pretreatment Program, the permittee shall immediately provide a responsible person knowledgeable in the operations of the permittee to escort the Town's representative for the duration of the inspection. In the event that a gross violation of the terms of the permit or any activity which in the inspectors opinion poses imminent danger to public health, safety or welfare or to the environment or the treatment process, the industry representative shall have the necessary authority to stop that activity.

4.3 Public Records and Protection of Trade Secrets

All records collected under the IPP shall be considered to be a matter of public record unless a written request for confidentiality is made by the permittee. The request must indicate which of its processes are considered trade secrets and justification for the request. Each page of any material which the permittee considers to be confidential must be clearly marked as such. Wastewater analysis results or other effluent data may not be considered confidential. Upon receiving such a request the Town shall take the following actions:

- A. The town will review the request and information submitted by the applicant or collected by the Town, during this review period, the applicants information will be considered confidential and not made part of the public record.
- B. If the Town determines that the request for confidentiality is necessary for protection of a trade secret the records in question will be exempted from disclosure to the general public. This does not waive any of the Town's rights of access.

4.4 Retention of Records

- A. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by the Shirley Sewer Commission at any time.
- B. All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the Town of Shirley Sewer Commission shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

4.5 Record Contents

Records of sampling and analysis shall include:

- a. The date, exact place, time, and methods of sampling or measurements, and sample preservation techniques or procedures;
- b. Who performed the sampling or measurements?
- c. The date(s) analyses were performed;
- d. Who performed the analyses?
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

4.6 Falsifying Information

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

5. REPORTING AND NOTIFICATION REQUIREMENTS

5.1 Self Monitoring Report

All permittee shall be required to submit annual Self monitoring reports at a minimum, additional self monitoring may be required depending upon the nature of the discharge.

5.2 Planned Changes

The permittee shall give notice to the Town of Shirley Sewer Commission 60 days prior to any facility expansion, production increase, or process modifications which results in new or substantially increased discharges or a change in the nature of the discharge.

5.3 Anticipated Noncompliance

The permittee shall give advance notice to the Town of Shirley Sewer Commission of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

5.4 Automatic Re-sampling

- A. If the results of routine wastewater analyses indicate that the concentration of a permitted parameter has exceeded the value listed in the wastewater discharge permit the permittee must take the following actions:
 1. Within 24 hours: the permittee must notify the Town of Shirley Sewer Commission of
 2. Within 5 days: Initiate a repeat sampling event and pollutant analysis for the parameters in question
 3. Within 14 days: Submit repeat sample analysis results.

5.5 Duty to Provide Information

The permittee shall furnish to the Town of Shirley Sewer Commission, within fourteen (14) days any information which the Town of Shirley Sewer Commission may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with this permit. The permittee shall also, upon request, furnish to the Town of Shirley Sewer Commission within fourteen (14) days copies of any records required to be kept by this permit.

5.6 Signatory Requirements

All applications, reports, or information submitted to the Town of Shirley Sewer Commission must contain the following certification statement and be signed as required in Sections (a), (b),(c) or (d) below:

“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.”

- A. By a responsible corporate officer, if the Industrial User submitting the reports is a corporation.

For the purpose of this paragraph, a responsible corporate officer means:

1. A president, secretary, treasurer, or vice-president of the corporation in charge or a principal business function, or any other person who performs similar policy - or decision-making functions for the corporation, or;
 2. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in previous calendar year dollars), if authority to sign document has been assigned or delegated to the manager in accordance with corporate procedures.
- B. By a general partner or proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship respectively.
- C. The principal executive officer or director having responsibility for the overall operation of the discharging facility if the Industrial User submitting the reports is a Federal, State, or local governmental entity, or their agents.
- D. By a duly authorized representative of the individual designated in paragraphs (a), (b), or (c) of this section if:
1. the authorization is made in writing by the individual described in paragraph (a), (b), or (c);
 2. the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or a well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 3. the written authorization is submitted to the Shirley Sewer Commission.
- E. If an authorization under paragraph (d) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for the environmental matters for the company, a new authorization satisfying the requirements of paragraph (d) of this section must be submitted to the city prior to or together with any reports to be signed by an authorized representative.

5.7 Operating Upsets

Any permittee that experiences an upset in operations that places the permittee in a temporary state of noncompliance with the provisions of either the industrial pretreatment permit or with any Section of the Sewer Use Rules and Regulations. Shall inform the Town of Shirley Sewer Commission within 24 hours of becoming aware of any upset at 978-425-2670. For upsets occurring on weekends or after hours, contact Devens dispatch at 978-772-7200.

A written follow-up report of the upset shall be filed by the permittee with the Town of Shirley Sewer Commission within five days. The report shall specify:

- A. Description of the upset, the cause (s) thereof and the upset's impact on the permittee compliance status;
- B. Duration of noncompliance, including exact dates and times of noncompliance, and if no corrected, the anticipated time the noncompliance is expected to continue; and

- C. All steps taken or to be taken to reduce, eliminate and prevent reoccurrence of such an upset.

The report must also demonstrate that the treatment facility was being operated in a prudent and workmanlike manner.

A documented and verified operating upset shall be an affirmative defense to any enforcement action brought against the permittee for violation attributable to the upset event.

5.8 Annual Publication

A list of all industrial users determined to be in Significant Non-Compliance (40 CFR 403.8) during the twelve (12) previous months shall be annually published by the Town of Shirley Sewer Commission in the largest daily newspaper within its service area. Accordingly, the permittee is apprised that noncompliance with this permit may lead to an enforcement action and may result in publication of its name in an appropriate newspaper in accordance with this section.

5.9 Batch Discharges

Certain operations may result in intermittent or batch discharges, depending on the nature of the operation and subsequent treatment, the Town may require advance notice prior to the discharge of such wastes in order to collect a representative sample. When required, notice of discharge must be received a minimum of 14 days prior to the proposed discharge date. The permittee shall be required to provide whatever means are necessary to ensure that samples collected are representative of the entire contents of the tank.

6.0 Legal Liability, Cost Recovery and Penalties The Town of Shirley shall issue fees and penalties for the following purposes:

- A. To recover costs incurred by the Town in the course of maintaining and administering the IPP, these costs include those associated directly or indirectly with:
 - a) Administering the program, reviewing and preparing discharge permits
 - b) Issuing and reviewing Self Monitoring Reports, tracking compliance
 - c) Collection and laboratory analysis of wastewater samples.
- B. Surcharges:
 - i) The Town may adjust the limit of BOD, TSS and fats oils and greases for permittee on a case-specific basis if it is determined that this elevated pollutant loading will not harm the collection system or treatment works. Permittee with adjusted limits will be subject to surcharge on their pretreatment bill to recover costs associated with the additional loading. The amount of the surcharge will be updated annually.
- C. Civil and Criminal Penalties
 - a) Any person who violates a discharge permit condition is subject to a civil penalty of at least Twenty-five thousand dollars (\$25,000.00) per day of such violation. Any person who willfully or negligently violates permit conditions is subject to criminal penalties of a fine of up to Twenty-five thousand dollars per day of violation, or by imprisonment for not more than one (1) year or both. The permittee may also be subject to sanctions under State and/or Federal law.
- D. Civil and Criminal Liability. Nothing in this permit shall be construed to relieve the permittee from civil and/or criminal penalties for noncompliance under ARTICLE VI of the Sewer Use Rules and Regulations or State or Federal laws or regulations. Such penalties may be assessed for reasons

including, but not limited to the following:

- a. Violating the provisions of this permit; Section 2 of the Sewer Use Rules and Regulations or causing damage to or otherwise inhibiting the Town of Shirley wastewater collection system or the POTW. In addition to Civil and criminal liability violators shall be liable to the town of Shirley or the owners of the POTW for any expense, loss, or damage caused by such violation or discharge.
- b. The Town of Shirley shall bill the permittee for the cost incurred by the Town of Shirley for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a separate violation of the Town of Shirley Industrial Pretreatment Ordinance and may be grounds for discharge permit termination.