

**CITY OF MIDDLETOWN, NY
DEPARTMENT OF PUBLIC WORKS
INDUSTRIAL PRETREATMENT PROGRAM
WASTEWATER DISCHARGE PERMIT**

SECTION A – GENERAL INFORMATION

Facility Name/Permittee: _____

Facility Address: _____

Mailing Address: _____

Year Permitted Process Started at this Address: _____

40 CFR 403 Category (If Applicable) _____

Part or Subpart _____

The above named Permittee is authorized to discharge wastewater into the City of Middletown's Sanitary Sewer System serving the above property and furthermore agrees to comply with the wastewater standards stipulated in Sewer Use Ordinance found in §389 of the City of Middletown's Code, 40 Code of Federal Regulation (CFR) 403, and applicable National Categorical Standards for indirect dischargers established by the United States Environmental Protection Agency and the conditions set forth in this permit.

This permit and authorization to discharge industrial wastewater shall become

Effective on: _____ and shall expire on: _____

Issued on this _____ day of _____

NAME OF APPROVING AUTHORITY: _____

SIGNATURE OF APPROVING AUTHORITY: _____

Commissioner of Public Works
City of Middletown,
Middletown, New York

DATE: _____

PERMIT NUMBER: _____

THIS PERMIT IS NOT TRANSFERABLE

SECTION B – CONDITIONS FOR ISSUANCE OF PERMIT

PART 1: GENERAL CONDITIONS

A Permit Modification and Transferability

The Permittee agrees and understands that this permit is subject to renewal or amendment at any time after issuance or as found necessary by the Commissioner of the City of Middletown's Industrial Pretreatment Program or his authorized representative, or at such time as National Pretreatment Standards or other applicable regulatory actions are promulgated by the United States Environmental Protection Agency (EPA), the New York State Department of Environmental Conservation (NYSDEC), or the City of Middletown. The City of Middletown may modify, revoke and reissue the permit in order to protect the quality of receiving waters, human health or the environment. All permits must be renewed no later than five years after issuance, and may not be transferred to another party, without the approval of the Commissioner

B Permit Renewal

If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must submit an application for a new permit at least 180 days before the expiration date of this permit.

C Duty to Comply

It is the responsibility of the Permittee to comply with all provisions of this Permit, pretreat or control wastewater discharge streams to comply with the limits set forth City's Sewer Use Ordinance found in §389 of the City of Middletown's Code, applicable National Pretreatment Standards for Prohibited Discharges (40 CFR 403.5) and Categorical Standards (40 CFR 403.6). Failure to meet the terms and conditions of this Permit, including the discharge of any pollutant at a concentration in excess of that identified by this Permit or §389 of the City of Middletown's Code, or federal regulations (40 CFR 405 – 471) may result in permit revocation, loss of access to the potable water supply and sanitary sewer system, and imposition of criminal penalties of at least \$1,000.00 per violation per day and/or imprisonment for not more than fifteen (15) days. In the event of a second conviction, a User shall be subject to a fine of not more than \$2,500.00 per violation, per day, or imprisonment for not more than fifteen (15) days, or both. The Permittee may also be subject to sanctions under State and/or Federal law.

The permittee agrees to submit to the jurisdiction of both the Middletown City Court and Supreme Court, Orange County in all actions involving enforcement of the terms and conditions of this permit.

D Monitoring Chamber

If required by the City, the Permittee must, provide at the Permittee's expense, a monitoring chamber or chambers approved by the City which will represent the total wastewater discharge from the facility, and/or monitoring chamber or chambers which represent the wastewater discharge from any particular process deemed necessary by the Commissioner of Public Works of the City of Middletown, NY or his authorized representative.

E Right of Entry

The Permittee shall permit the Commissioner of Public Works (Commissioner) or his authorized representatives, federal and state personnel immediate entry to the premises for the purpose of inspection, sample collection or other monitoring activity, studies of industrial wastes, or information gathering and shall provide the City of Middletown, NYSDEC, or EPA, upon request, information and data on the nature of operations, including but not limited to information listed in the Code of Federal Regulations, Title 40, Part 403.12.

F Facility and Production Information

The Permittee will provide the City of Middletown, upon request, information and data on the nature of operations, operational shifts, products produced or serviced, chemicals or other substances used in

processes, and off-site disposal of wastes. The Permittee must submit a Report of Changed Conditions of any changes, additions, or deletions to processes, products, pretreatment, or waste disposal to the City of Middletown at least 30 days before the change.

PART 2: ANNUAL INSPECTIONS AND MONITORING REQUIREMENTS

A. Annual Inspection

The Water/Sewer Department Foreman will conduct annual inspections of permitted SIUs which may or may not be coordinated in advance. The City has the right to conduct unannounced inspections in accordance with §389 of the City of Middletown's Code.

B. Monitoring

The Permittee will perform the required monitoring for the parameters listed in Part 7 at the indicated minimum sampling frequency (Part 2C) at the approved sampling point.

C. Sampling Frequency

The Permittee will perform the required sampling for the parameters listed in this permit (Part 7) at minimum once every 6 months during reporting period from January 1 to June 30 and July 1 to December 31.

D. Sampling and Analytical Methods

Sampling and analysis must be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto.

E. Flow Measurements

If flow measurement is required by this permit, the devices shall be installed, calibrated and maintained to ensure the accuracy of measurements. Devices installed shall be capable of measuring flows with a maximum deviation of less than ten percent from true discharge rates throughout the range of expected discharge volumes.

PART 3: REPORTING REQUIREMENTS

A. All Reports

- (1). All reports (including written notifications, oral notifications, sampling reports and Periodic Compliance Reports) required by this Permit shall, unless otherwise authorized, be submitted to the Commissioner at the following address:

Mailing Address:
City of Middletown
Department of Public Works
Industrial Pretreatment Program Division
16 James Street
Middletown, NY 10940

- (2). Failure to complete any required report, to provide full disclosure of information or to submit any report or information required by this Permit shall constitute a violation.

B. Reporting of Sampling Data and Permit Limit Violation

If sampling is performed by the SIU, the SIU shall submit an **entire** copy of the self-monitoring report to the City of Middletown, Department of Public Works, and Industrial Pretreatment Program Division within 30 days of the sampling event. The entire report shall include all documentation including all pages of each lab report, designated sample site identification, Chain of Custodies, QA/QC data, and any field notes if applicable.

If sampling performed by the SIU indicates a violation, the SIU shall notify the City of Middletown, Department of Public Works, Industrial Pretreatment Program Division within 24 hours of becoming aware of violation. The SIU shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days.

C Periodic Compliance Reports (PCRs) for all Significant Industrial Users

The SIU is responsible for submitting Periodic Compliance Report (PCR) once every six (6) months indicating the nature and concentration of pollutants in the effluent (discharged at the location(s) indicated on this permit) which are defined by Part 7 of this Permit. The SIU is responsible for obtaining sampling data that is representative of the SIU's discharge.

In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the wastewater discharge. All support documentation (copies of water bills, calculation work sheets, etc.,) must be submitted as well.

D Compliance Schedule Progress Reports

The SIU who is required by this permit to construct and operate pretreatment systems will be required to submit a compliance schedule. The SIU must submit to the City of Middletown a compliance plan/schedule that contains actions to be taken, with the dates that such actions will be accomplished, and a date when full compliance is to be achieved.

E Baseline Monitoring Report (Categorical Industrial Users only)

A CIU is required to within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later to submit a Baseline Monitoring Report. The report shall contain contact information, measurements of pollutants, compliance certification and compliance scheduling as indicated in §389-51C of the City of Middletown's Code.

F Report on Compliance with Categorical Pretreatment Standards (Categorical Industrial Users only)

A CIU is required to within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW submit a Report on Compliance.

For a CIU subject to equivalent mass or concentration limits, this report shall contain a reasonable measure of the CIU's long-term production rate. For all other CIUs subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the CIU's actual production during the appropriate sampling period.

G Report of Changed Conditions

An SIU must notify the Deputy Commissioner of any significant changes in SIU's operations or system that may impact its wastewater at least 30 days prior to the change. Changed conditions can include facility expansion, production increase, or process modifications that result in new or substantially increased discharge or a change in the nature of the discharge.

H Report of Potential Problems

(1) Immediately notify the POTW at (845-346-4130) in the City of Middletown in the event of any accidental discharge, non-routine/episodic discharge, non-customary batch discharge, spill, Slug Discharge, Slug Load, upset, bypass, or other occurrence that may result in the discharge to the wastewater collection system of any pollutants prohibited by, or in excess of limitations established in §389 of the City of Middletown's Code or stated in this permit, or which may cause problems to the wastewater collection and/or treatment plant. The Industrial Pretreatment Program Division may be contacted at (845) 343-3169 during regular business hours or City of Middletown Police Department (845-343-3151) after regular business hours and on weekends.

- (2) The notification shall include the following information:
 - a) Location of discharge;
 - b) Date and time of discharge;
 - c) Type, concentration and volume of noncompliant discharged; and,
 - d) Actions taken to minimize the noncompliant discharge.

- (3) Within five business days following an accidental discharge, the Permittee shall submit to the City a detailed written report that shall specify the following:
 - a) Description and cause of the spill or discharge, including: location of discharge type, concentration and volume;
 - b) Duration of noncompliance, including the exact date and times of noncompliance, and, if the noncompliance is continuing, an immediate response to cause the noncompliant discharge to cease; also, continuous communication with the affected parties so as to keep the informed of the situation; and,
 - c) All steps taken or to be taken to reduce, eliminate and prevent continuation or recurrence of the noncompliant discharge.

I Slug Control Plan

Submit to the City of Middletown, if requested, a written slug loading control plan, a written spill control plan, and documentation of hazardous waste generation and disposal.

J Hazardous Waste Notification

The Permittee Shall notify the City of Middletown, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the sanitary sewer system of a substance, which, if otherwise disposed of would be a hazardous waste under the Code of Federal Regulations, Title 40, Part 261. Such notification shall conform to requirements described in the Code of Federal Regulations, Title 40, Part 403.12(p).

K Signatory Requirements

(1) The Designated Signatory Authority on record with the City must sign all applications, reports or information submitted to the City. If the Designated Signatory Authority as stated in the Permit Application, is no longer accurate, a new authorization satisfying the requirements of 40 CFR 403.12 (l) must be submitted to the City prior to or together with any report to be signed by the Designated Signatory Authority.

(2) All applications, reports or information submitted to the City shall contain the following certification statement:

“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.”

PART 4: RECORDS

A Contents of Records

- (1) The Permittee shall maintain records of all information resulting from any wastewater monitoring activities. Such records shall include for all samples;
 - a) The date, exact place, method, and time of sample collection and the names of the person or persons taking the sample;
 - b) The date of analysis;
 - c) Name of analyst;
 - d) The analytical technique/method used; and
 - e) The results of such analysis, including the quality assurance and quality control data.
 - f) All records that pertain to enforcement or litigation activities brought by the City; and
 - g) All other pretreatment related information.

B Retention of Records

- (1) The Permittee shall retain for a minimum of 3 years any records of monitoring activities and results and shall make such records available for inspection and copying by New York State Department of Environmental Conservation (NYSDEC), Environmental Protection Agency (EPA) and the City of Middletown. This period of retention shall be extended during the course of any unresolved litigation regarding the Permittee concerning environmental violations.

(2) 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 may result in the imposition of criminal sanctions and/or civil penalties.

PART 5: OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

A 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 and training, and adequate laboratory and process controls including appropriate quality assurance procedures.

B Duty to Halt or Reduce Activity

Upon reduction of efficiency of operation or loss or failure of all or part of the treatment facility, the Permittee shall to the extent necessary to maintain compliance with its permit, control its 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 the treatment facility fails or is reduced. It shall not be a defense for a Permittee that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

PART 6: ENFORCEMENT

THE PERMITTEE AGREES TO WAIVE FORMAL SERVICE OF PROCESS UPON PERMITTEE'S REGISTERED AGENT FOR SERVICE OF WATER POLLUTION CITATIONS, AND AGREE TO RECEIVE AND ACCEPT SERVICE OF PROCESS FOR WATER POLLUTION CITATIONS IN PERMITTEE'S NAME AND AT THE FOLLOWING ADDRESS:

(Name) Please Print or Type (Signature Authorized Representative)

(Company Name) Please Print or Type

(Company Address) Please Print or Type

EACH AND ANY VIOLATION OF ANY TERM OR CONDITION OF THIS PERMIT OR OF §389 OF THE CITY OF MIDDLETOWN’S CODE SHALL BE CONSIDERED A SEPARATE OFFENSE FOR EACH DAY OR PORTION OF A DAY DURING WHICH THE VIOLATION IS CONTINUED AND IS PUNISHABLE BY A FINE NOT TO EXCEED \$1,000. ANY VIOLATION MAY BE ENFORCED BY CIVIL OR CRIMINAL COURT ACTION AS PROVIDED BY STATE OR FEDERAL LAW.

PART 7: DISCHARGE LOCATIONS AND LIMITATIONS

A Discharge Location

During the period beginning with the date of issuance and lasting through the date of expiration of the permit, the Permittee is authorized to discharge process wastewater at the address indicated on the permit limits page(s) and at Sample site(s) on the attached map.

B Effluent Monitoring and Limitations

Refer to Permit Monitoring and Limits Page(s)

PART 8: ADDITIONAL PERMIT REQUIREMENTS

The following additional requirements are included as part of this permit:

A List Any Additional Permit Requirements (if required)

Not Available.

PART 9: GENERAL PROHIBITIONS

The following general prohibitions are found in § 389-29 of the City of Middletown’s Sewer Use Ordinance (SUO) and required for compliance with the City’s Industrial Pretreatment Program:

A. *“General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.*

B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;*
- (2) Wastewater having a pH less than 5.5 or more than 9.0, or otherwise causing corrosive structural damage to the POTW, equipment or personnel;*
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference but in no case solids greater than 1/2 inch in any dimension;*
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;*
- (5) Wastewater having a temperature greater than 104 degrees F (40 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the POTW to exceed 104 degrees F (40 degrees C);*
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;*
- (7) 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;*
- (8) Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Chapter 389;*
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;*
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the POTW's effluent, thereby violating the City's NPDES permit;*
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;*
- (12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Superintendent;*
- (13) Sludges, screenings, or other residues from the pretreatment of Industrial Wastes;*
- (14) Medical Wastes, except as specifically authorized by the Superintendent in an individual wastewater discharge permit;*
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;*
- (16) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;*
- (17) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease.*
- (18) Wastewater causing a single reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 25% the lower explosive limit of the meter.*

- (19) *Any garbage that has not been properly shredded.*
- (20) *Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.*
- (21) *Any waters or wastes containing toxic or poisonous substances, including oxygen demanding pollutants, released at a flow rate and/or pollutant concentration which would cause interference with any sewage treatment process or constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant.*
- (22) *Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.*
- (23) *Any pollutant in excess of values specified in the National Categorical Pretreatment Standards, § 389-29.*
- (24) *Any pollutants, substances and/or wastewater not mentioned in this Section but described in 40 CFR § 403.5 (b).*

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

PART 10: SIGNATURE

The undersigned being the Authorized Representative of the herein named company, does agree to all terms stated in this document, and understand that failure to comply with the conditions of this permit and all applicable codes as currently written, or as they may be amended shall render null and void this permit to discharge into the City of Middletown's Sanitary Sewer System. The undersigned Permittee certifies that all information provided to the City of Middletown in this document is to the best of his knowledge true and correct at the time of signature.

SIGNATURE OF PERMITTEE: _____ DATE: _____

NAME OF PERMITTEE: _____ TITLE: _____
(Please print or type)

NOTARY SEAL

Subscribed and sworn to before me this _____ day of _____ 20 _____

Notary Public, _____ County of _____, New York

MONITORING AND PERMIT LIMITS

[insert category designation here if applicable]

NAME OF COMPANY: _____

ADDRESS: _____

ACCOUNT NUMBER (S): _____ NAICS and/or SIC NO: _____
 _____ - _____

PERMIT NUMBER: _____ DATE PERMIT ISSUED: _____
 (FOR CITY USE ONLY) (FOR CITY USE ONLY)

The undersigned applicant agrees to comply with the provisions currently stipulated in §389 of the City of Middletown's Code including, but not limited to the following:

CATEGORICAL:

*THE FOLLOWING NATIONAL CATEGORICAL STANDARDS PROMULGATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY APPLY, OR IF PROMULGATED BEFORE THE EXPIRATION OF THIS PERMIT WILL APPLY TO THE ABOVE NAMED INDUSTRY: IN ALL CASES WHERE LOCAL, STATE, OR CALCULATED ALTERNATE LIMITATIONS ARE MORE STRINGENT, THE MORE STRINGENT LIMITATIONS WILL APPLY.

THIS CATEGORICAL FACILITY IS REGULATED BY _____ (Attached)

MONITORING AND NUMERICAL LIMITS: THE FOLLOWING PARAMETERS WILL BE MONITORED AND LIMITS ENFORCED:

PARAMETER	DAILY MAXIMUM (mg/L) (if applicable)	MONTHLY AVERAGE (mg/L)(if applicable)	TYPE OF SAMPLE	FREQUENCY
Permit Limits:				
Cadmium	0.39	0.26	24 Hour Composite	
Chromium	2.77	1.71	24 Hour Composite	
Copper	1.59	1.59	24 Hour Composite	
Lead	0.36	0.26	24 Hour Composite	
Nickel	3.98	2.38	24 Hour Composite	
Silver	0.43	0.24	24 Hour Composite	
Zinc	2.61	1.48	24 Hour Composite	
Monitoring Requirements (if applicable):				
	N/A			

THESE LIMITS APPLY TO ADDRESS INDICATED ABOVE. SEE ATTACHED DIAGRAM FOR LOCATION OF SPECIFIC SAMPLE SITE.

SIGNATURE OF AUTHORIZED REPRESENTATIVE: _____

DATE: _____