

ORDINANCE — To Amend and Reordain Section 23-117 Titled “Restricted wastes,” Section 23-118 Titled “Reserved,” Section 23-150 Titled “Violations,” Section 23-154 Titled “Applicability of categorical standards,” and Section 22-164 Titled “Reserved” of the Code of the County of Henrico to Update Maximum Discharge Limits, Establish Requirements for PFAS Discharge Monitoring, and Conform to Federal Regulations

This Board paper would amend the County Code to update maximum discharge limits in alignment with state permitting requirements, establish requirements for PFAS discharge monitoring, and conform reporting requirements to federal regulations.

The Director of Public Utilities recommends approval of this Board paper, and the County Manager concurs.



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. _____

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For Clerk's Use Only: Date: _____ () Approved () Denied () Amended () Deferred to: _____ _____	BOARD OF SUPERVISORS ACTION Moved by (1) _____ Seconded by (1) _____ (2) _____ (2) _____ REMARKS: _____ _____ _____	<table style="width: 100%; border-collapse: collapse;"><tr><th style="text-align: left; width: 60%;"></th><th style="text-align: center; width: 10%;">YES</th><th style="text-align: center; width: 10%;">NO</th><th style="text-align: center; width: 10%;">OTHER</th></tr><tr><td>Cooper, R.</td><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td></tr><tr><td>Nelson, T.</td><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td></tr><tr><td>Rogish, J.</td><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td></tr><tr><td>Roundtree, M.</td><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td></tr><tr><td>Schmitt, D.</td><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td><td style="text-align: center;">_____</td></tr></table>		YES	NO	OTHER	Cooper, R.	_____	_____	_____	Nelson, T.	_____	_____	_____	Rogish, J.	_____	_____	_____	Roundtree, M.	_____	_____	_____	Schmitt, D.	_____	_____	_____
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Schmitt, D.	_____	_____	_____																							

The Board of Supervisors of Henrico County, Virginia, adopted the attached ordinance after a duly advertised public hearing.

Comment: The Director of Public Utilities recommends approval of this Board paper, and the County Manager concurs.

By Agency Head _____ By County Manager _____

Copy to: _____

Certified: _____
A Copy Teste: _____

Clerk, Board of Supervisors

Date: _____

BLACKLINE

ORDINANCE – To Amend and Reordain Section 23-117 Titled “Restricted wastes,” Section 23-118 Titled “Reserved,” Section 23-150 Titled “Violations,” Section 23-154 Titled “Applicability of categorical standards,” and Section 22-164 Titled “Reserved” of the Code of the County of Henrico to Update Maximum Discharge Limits, Establish Requirements for PFAS Discharge Monitoring, and Conform to Federal Regulations

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

1. That Section 23-117 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 23-117. Restricted wastes.

(a) Unless permitted by a wastewater discharge permit or other document created pursuant to article II, divisions 3, 4, or 5 of this chapter, no user may discharge wastewater to the publicly owned treatment works (POTW) containing any of the following listed pollutants or characteristics in excess of the provided level or concentration:

<i>Regulated Pollutant or Characteristic</i>	<i>Maximum Daily Discharge Maximum Discharge Limit¹</i>
Arsenic	4.9 2.1 mg/L
Cadmium	0.23 mg/L
Chromium	2.75 mg/L
Copper	4.16 2.5 mg/L
Cyanide	1.86 1.47 mg/L
Lead	0.44 0.75 mg/L
Mercury	0.0031 mg/L
Molybdenum	1.60 mg/L
Nickel	1.31 mg/L
Selenium	2.85 1.60 mg/L
Silver	4.58 1.30 mg/L
Zinc	4.27 mg/L
Oil and grease (petroleum-based)	100 mg/L
Oil and grease (animal- or vegetable-based)	300 mg/L
Total toxic organic compounds (TTO)	2.13 mg/L
pH	5—11 s.u.
Flashpoint less than 140 degrees F	
¹ All measurements must be made in accordance with 40 CFR 136. All concentrations for metallic substances are for total metal.	

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2. That Section 23-118 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 23-118. Reserved Discharge monitoring for PFAS.

(a) For purposes of this section:

- (1) PFAS means per- and polyfluoroalkyl substances, which are any fluorinated substances that contain at least one fully fluorinated methyl or methylene carbon atom and any precursors of such substances. PFAS includes HFPO-DA, PFBS, PFHxS, PFNA, PFOA, and PFOS.**
- (2) Using or use of PFAS (i) means intentionally using or use of PFAS or PFAS-containing substances as a product ingredient or as a production process aid or additive, such as wetting agents, fume suppressants, photoresists, etchants, cleaners, coatings, surfactants, or flame retardants, and (ii) does not mean using or use of manufacturing equipment that contains PFAS.**

(b) The following new or existing industrial users of the publicly owned treatment works (POTW) must perform and report to the director no later than 30 days after receipt from the laboratory the results as received of quarterly discharge monitoring for PFAS for an initial characterization period of one year, provided, however, that the director may discontinue remaining quarterly monitoring by an industrial user with proper monitoring results that are below the method level of detection for the first two quarters:

- (1) any facility that manufactures PFAS;**
- (2) any electroplating or metal finishing facility using PFAS;**
- (3) any semiconductor or circuit board facility using PFAS;**
- (4) any paper or packaging manufacturing facility using PFAS;**
- (5) any textile mill, tannery, or leather, fabric, or carpet treater using PFAS;**
- (6) any centralized waste treatment industrial facility;**
- (7) any industrial launderer defined by NAICS 812332; and**

(8) any facility or site that the POTW has a reasonable basis to believe is a source of PFAS, including any airport, air base, air station, fire training facility, or landfill.

(c) If an industrial user subject to the monitoring requirement in subsection (b) detects PFAS in any amount above the method detection limit in its initial year of quarterly monitoring, such industrial user must continue to perform and report to the director no later than 30 days after receipt from the laboratory the results as received of quarterly discharge monitoring for PFAS. The director may reduce the frequency of required monitoring to annually for any industrial user with proper monitoring results that are below the method detection level for at least two consecutive quarters.

(d) For any new industrial user subject to the monitoring requirements in subsection (b), the director will require monitoring for PFAS using the applicable laboratory test method and submission of the results of such monitoring within 90 days of the commencement of such discharges to the POTW. The new industrial user must report to the director no later than 30 days after receipt from the laboratory the monitoring results as received.

(e) The director will report PFAS monitoring results received to the State Department of Environmental Quality on a quarterly basis in a format specified by the Department.

(f) The provisions of this section must not be construed to limit the authority of the POTW to require monitoring or reporting or otherwise regulate the discharge of PFAS or other pollutants under other applicable legal authority.

3. That Section 23-150 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 23-150. Violations.

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(c) If sampling performed by an industrial user indicates a violation, the user must repeat the sampling and analysis and submit the results of the repeat analysis to the director within 30 days after becoming aware of the violation. If sampling was performed by the POTW in lieu of the industrial user, the POTW must perform the repeat sampling and analysis unless it notifies the industrial user of the violation and requires the industrial user to perform the repeat sampling and analysis. Resampling is not required if:

(1) The POTW performs sampling at the industrial user at a frequency of at least once per month; or,

(2) The POTW performed sampling at the industrial user between the time when the industrial user performed its initial sampling and the time when the industrial user received the results of this sampling.

4. That Section 23-154 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 23-154. Applicability of categorical standards.

(a) All discharges subject to categorical standards must comply with the requirements of any applicable federal categorical standard, including the general pretreatment regulations set forth in the Code of Federal Regulations, and with the local limits contained in section 23-117. More stringent limits will be imposed by the director where appropriate. In case of conflict, the more stringent limit applies.

(b) An existing industrial user who becomes subject to a new categorical standard must submit a baseline monitoring report containing the information listed under 40 CFR 403.12(b)(1)-(7) to the director within 180 days of the effective date of the categorical standard, or within 180 days after a final administrative decision on a category determination submission.

(c) A new industrial user must submit to the director (i) a baseline monitoring report containing the information listed under 40 CFR 403.12(b)(1)-(5) 90 days before the commencement of discharge and (ii) the method of pretreatment the user intends to use to meet applicable pretreatment standards.

(d) All categorical users must submit reports of continued compliance in the months of June and December unless required more frequently by the director or the applicable pre-treatment standard. These reports must include pollutant concentrations and/or mass discharges subject to categorical limits, average and maximum daily flows, results, and analysis.

(e) For sampling required for baseline monitoring and 90-day compliance reports, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for all facilities without historical sampling data. For all other sampling, a minimum number of grab samples will be determined by the director in compliance with federal law.

5. That Section 23-164 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 23-164. Reserved Monitoring and record-keeping requirements.

(a) All sampling, analysis, and reports must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report. All data must be representative of the user's discharge during the reporting

period.

(b) Existing significant non-categorical industrial users must submit to the director at least once every six months (on dates specified by the director) a description of the nature, concentration, and flow of the pollutants required to be reported by the director. These reports must be based on sampling and analysis performed in the period covered by the report.

(c) All significant industrial users must analyze the flow rate, flow volume, and concentrations of all constituents of their industrial wastewater discharge. All significant industrial users must perform any other analysis that is required by their permits, in accordance with the terms and conditions of the permit and the provisions of this article, unless the director reduces the frequency of self-monitoring, at the director's discretion.

(d) All wastewater analyses must be conducted in accordance with 40 CFR 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If no procedure is set forth in 40 CFR 136 for analyzing a particular constituent, then the director will promulgate a procedure which must be used to analyze the constituent's concentration.

(e) If a significant industrial user monitors any regulated pollutant at the appropriate sampling location more frequently than required by the director, the result of the monitoring must be reported.

(f) Any industrial user or POTW subject to the reporting requirements of 40 CFR 403 must maintain records of all monitoring data. Such records must include for all samples:

(1) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;

(2) The dates analyses were performed;

(3) Who performed the analyses;

(4) The analytical techniques/methods used; and,

(5) The results of such analyses.

(g) Any industrial user subject to the reporting requirements of 40 CFR 403 must retain for a minimum of three years any records of monitoring activities and results and must make such records available for inspection and copying by the POTW.

(h) The POTW must maintain reports submitted by users for a minimum of three years.

6. That this ordinance will be in full force and effect on and after its passage as provided by law.