

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES**

**RULES AND REGULATIONS PERTAINING TO THE OPERATION
AND MAINTENANCE OF WASTEWATER TREATMENT FACILITIES**

Rules and Regulations adopted pursuant to Chapters 46-12 and 42-35 of the General Laws of Rhode Island, 1956, as amended, establishing rules and regulations pertaining to the operation and maintenance of Wastewater Treatment Facilities.

1. **Purpose**

It is the purpose of these regulations to ensure that wastewater treatment facilities are operated and maintained at their maximum level of efficiency in order to remove the maximum amount of objectionable constituents in wastewater. To achieve this purpose and compliance with these regulations, each facility will be required to submit and adhere to its own operation and maintenance plan. To ensure adherence to the plan, these regulations establish a procedure for approval of each facility's plan by the Department of Environmental Management (DEM).

2. **Definitions**

- A. **“Owner”** shall mean the permittee named on the Federal National Pollution Discharge Elimination System (NPDES) permit issued for the wastewater treatment facility.
- B. **“Wastewater Treatment Facility”** shall mean a group or assemblage of processes, devices and structures for the treatment or removal of objectionable constituents of wastewater. The term wastewater treatment facility shall include all sewage collection system pumping, filtering and chlorination stations.
- C. **“Wastewater”** shall mean sewage conducted away from residences, businesses, institutions and industries or any combination of the above.
- D. **“Director”** shall mean the Director of the Department of Environmental Management or his designee.

- E. **“Operation and Maintenance Plan”** shall mean a plan submitted to the Director to be approved by Administrative Order following evaluation. Each plan shall prescribe operation and maintenance standards and procedures for the wastewater treatment facility. The contents of the plan shall include, at a minimum, the following:
- i. operation procedures for all treatment processes and major and essential equipment;
 - ii. a periodic maintenance plan for all major and essential equipment;
 - iii. a listing of supplies necessary to be kept in stock on site;
 - iv. a staffing plan for the facility including position descriptions and minimum qualifications;
 - v. emergency procedures in case of natural disaster or equipment failure;
 - vi. provision for record keeping;
 - vii. seasonal operation requirements where applicable;
 - viii. a schedule of self-monitoring of treatment plan operations to be reported on forms required by the Director;
 - ix. the annual budget for operation and maintenance of the wastewater treatment facility. Said budget shall be submitted annually as a revision of the adopted plan; and
 - x. a copy of the effluent limitations established for the facility by the National Pollution Discharge Elimination System (NPDES) permit administered by the Federal Environmental Protection Agency (EPA).

3. **Operation and Maintenance Plan Submitted**

Owners of a wastewater treatment facility shall submit for evaluation, by the Director of the DEM, a written operation and maintenance plan prescribing standards and procedures by which the wastewater treatment facility will be operated and maintained. An owner of an existing wastewater treatment facility shall submit an operation and maintenance plan for evaluation by April 1, 1980. Plans previously submitted and approved under Federal EPA requirements may be considered acceptable upon application by the owner unless modified by the Director.

An owner of a new wastewater treatment facility shall submit an operation and maintenance plan prior to commencement of the facility's operation. The Director may extend the deadline by which an owner must submit an operation and maintenance plan upon request and showing of good cause for the extension.

4. **Evaluation of a Plan**

The Director shall evaluate each plan submitted giving full consideration to the facility design parameters, public health requirements and sound engineering, administrative and maintenance practices. Before initiating proceedings for approval of the plan, the Director may propose any additions or modifications to the plan that he/she deems necessary to ensure that the facility is operated at maximum efficiency and will remove the maximum amount of objectionable constituents from the treated wastewater.

5. **Procedure for Approval of the Plan**

After receipt of the plan, and its evaluation by the Director, a notice will be sent to the owner, and placed in a newspaper of statewide publication that the plan is under review and available for public inspection and comment.

The Director shall decide whether to issue an Order of Approval with or without modifications. If additional information is required, the owner shall submit same within thirty (30) days of notification.

6. **Effective Date**

Following approval of the plan, the Director shall submit to the owner a formal Order of Approval which shall remain in effect subject to annual modifications as provided elsewhere in these regulations.

7. **Operation and Accordance with Adopted Plan**

After the effective date of the adopted plan, the wastewater treatment facility shall be operated at all times in accord with all aspects of the plan. Failure to operate in accordance with the plan shall constitute a violation of an order of the Director pursuant to Section 46-12-4 of the Water Pollution Law, Rhode Island General Laws, 1956, as amended. Each day that a wastewater treatment facility is not operated in accord with an approved plan shall constitute a separation violation.

8. **Revision**

An adopted plan shall not be revised in any manner without the prior submission of the proposed revision to the Director. The Director may also require that an adopted plan be revised where he/she determines that there has been a substantial change or alteration in the wastewater treatment facility's capacity, treatment process, or effluent or influent wastewater characteristics.

Revisions of the plan, either at the request of the Director or any other person, may be proposed for approval in accordance with the provisions of Section 5 of these regulations.

9. **Enforcement**

- a. An owner operating a wastewater treatment facility after July 1, 1980 without an adopted operation and maintenance plan or operating a facility in violation of an approved operation and maintenance plan shall be subject to a fine of up to five hundred dollars (\$500.00) per day for each day of the violation of these regulations.
- b. Operation of a wastewater treatment facility after July 1, 1980 without an adopted operation and maintenance plan or operation in violation of an approved operation and maintenance plan shall constitute grounds for the Director to suspend State grants for pollution prevention facilities made to the owner under authority of Section 46-12-33 of the Rhode Island General laws, 1956, as amended.

- c. The Director may seek appropriate equitable remedies for the operation of a wastewater treatment facility without an adopted operation and maintenance plan or operation of a wastewater treatment facility in violation of an adopted operation and maintenance plan.
- d. Prior to invoking any remedy available in Items 9a and 9b above, the Director shall give the owner written notice of the alleged violation and shall afford the owner the opportunity for a hearing.
- e. After adoption of a plan, the plan may be enforced through Section 46-12-10 of the Rhode Island General Laws, 1956, as amended.

10. **Inspection; Right of Entry**

For the purpose of enforcing these rules and regulations, it is necessary that the Director be able to conduct inspections of wastewater treatment facilities to ensure that the operation and maintenance plan is being adhered to. Where an operation and maintenance plan is not being adhered to, the facility is likely to be polluting waters of the State. Therefore, the Director may at all reasonable times, enter any wastewater treatment facility's premises, buildings, plants or equipment, or other places belonging to, or controlled by any person believed to be likely to be polluting any waters of the State, inspect the same or any part thereof, and obtain samples of any substances which the Director deems necessary.

Any person obstructing, hindering, or in any way causing to be obstructed or hindered, the Director in the performance of his/her duties or who shall refuse to permit the Director entrance into any wastewater treatment facility's premises, buildings, plant or equipment, or other places belonging to or controlled by any such person, or who shall refuse to permit the Director to obtain samples of any substances, in the performance of his/her duties as such, shall be deemed guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00).

The foregoing rules and regulations are hereby approved for filing with the Secretary of State in accordance with the provisions of the General Laws of Rhode Island, 1956, as amended, Chapter 42-35, specifically Sections 42-35-39a) and 42-35-4(b), Chapter 42-17.3, specifically Section 42-17.3-2 and Chapter 46-12, specifically Section 46-12-3.

Attest a true copy:

ENVIRONMENTAL STANDARDS BOARD

Joseph E. Cannon, M.D., M.P.H.
Director of Health

Donald Rohrer
Director of Administration

Jan Reitsma
Director of Environmental Management