

## Industrial User permit process

The Charles Town Utility Board (“CTUB”) provides wastewater collection and treatment services for all customers in the cities of Charles Town and Ranson, and provides wastewater treatment services for customers of the Jefferson County PSD. The City of Charles Town by and through the CTUB operates its wastewater collection and treatment system pursuant to a National Pollution Discharge Elimination System (“NPDES”) permit issued by the West Virginia Department of Environmental Protection (“WV DEP”). The NPDES Permit is the document that contains terms, conditions, and limitations related to wastewater collection and treatment. The NPDES Permit is a public document and available to any who request it.

In order for the CTUB to allow an industrial user to connect to its collection and treatment system, the CTUB must go through a process to modify its NPDES Permit. Any industrial user that wishes to connect must prepare an application to the CTUB that provides details as to the expected quality and quantity of wastewater the industrial user wants to send to CTUB for treatment and disposal. The CTUB will use that information to prepare an application to the WV DEP to modify the NPDES Permit. Importantly, the CTUB does not have the ability to modify its NPDES Permit itself, and cannot accept wastewater from an industrial user until after the WV DEP has processed the permit application and issued a modified NPDES Permit.

Procedurally, the CTUB prepares an application to modify its NPDES permit based on the information provided by the industrial user, and files it with the WV DEP. The WV DEP then evaluates whether the proposed industrial user discharge is compatible with the collection, treatment and disposal systems operated by the CTUB. The WV DEP evaluates whether the proposed discharge will cause harm to the CTUB wastewater treatment plant (called “interference”) and whether the proposed discharge will violate the pollutant load discharge limits in the NPDES Permit (called “pass through”), among other considerations. Based on this evaluation, the WV DEP will determine what terms, conditions and/or limitations should be imposed on the industrial user’s use of CTUB’s wastewater treatment services. Typical limitations might include a limit on the volume per day that the industrial user discharges, and/or limitations on pollutants like Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), and nutrients. If necessary, when the WV DEP issues the permit, it may require the industrial user to “pretreat” the wastewater prior to discharging to the CTUB system.

Once the WV DEP has evaluated the proposed discharge and determined the necessary terms, conditions and limitations to be imposed, it will issue the modified NPDES Permit. The modification is one of two types: a “minor” modification or a “major” modification. Only the WV DEP makes the determination as to whether a permit modification is a minor modification or a major modification. If a minor modification is issued, it will be issued without a public notice and comment period. Minor modifications are typically issued when the WV DEP determines that industrial user’s discharge is similar to typical domestic sewage.

If the WV DEP issues the NPDES Permit modification as a major modification, it will publish the proposed permit modification in the local newspaper and provide for at least a 30 day comment period. Sometimes, it will also conduct a public hearing where it will accept comments from the public. If the WV DEP determines to conduct a public hearing, it will conduct the hearing in Jefferson County. For a major permit modification, the WV DEP will consider all public comments and, if appropriate, adjust the proposed permit modification. After that, the WV DEP will issue the final NPDES Permit modification and the industrial user may begin sending its wastewater to CTUB for collection, treatment and disposal in accordance with the terms, conditions and limitations contained in the final permit.

## Industrial User Rockwool permit process

The permit modification is expected to be filed following September 12, 2018 Board meeting pending approval by the Utility Board of a Sewer User Agreement by and between the Board and Rockwool.

Upon the filing, the information contained in the modification is public. If the modification is filed prior to September 24, 2018, the scheduled presentation before the City Council will detail its contents. Should the modification not have been filed by the 24<sup>th</sup>, the presentation to City Council will provide as much information as the Board has at that time. We will be requesting that DEP representatives attend this meeting.

With the filing of the modification (or even prior to), the Board will make a written request to WV DEP to hold a public hearing regarding the modification as soon as possible. This request would be made to ask that a hearing be held in Jefferson County whether DEP determines the mod to be major or minor.

Assuming the DEP can schedule the hearing mid-October, the DEP could then provide for a comment period of possibly 30 days. The DEP would likely issue the permit modification within 90 days from the end of the comment period or by mid-February 2019.