

Chapter 153. WATER AND SEWERS

[HISTORY: Adopted by the City Council of the City of Galax 5-8-1989; amended in its entirety 10-13-1992. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 36.
Cross-connection; backflow prevention — See Ch. 44.
Health and sanitation — See Ch. 71.
Mechanical workers — See Ch. 94.
Subdivision of land — See Ch. 130.
Zoning — See Ch. 160.

Article I. General Provisions

§ 153-1. Purpose and objectives.

A. This chapter sets forth requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Galax and assists the City in complying with all applicable state and federal laws required by the Federal Water Pollution Control Act of 1977, the Water Quality Act of 1987, and the General Pretreatment Regulations (40 CFR Part 403), and Section 7 of VR 680-14-01.

B. The objectives of this chapter are to:

- (1) Prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) Prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) Improve the opportunity to recycle and reclaim wastewaters and sludge from the system;
- (4) Provide for equitable distribution of the cost of the municipal wastewater system; and
- (5) Protect the treatment plant workers' health and safety.

C. This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customers' capacity will not be preempted and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

§ 153-2. Applicability.

This chapter shall apply to the City of Galax and to persons outside the City who are, by contract or agreement with the City, users of the City's POTW.

§ 153-3. Administrative and enforcement official.

Except as otherwise provided herein, the City Manager shall administer, implement and enforce the provisions of this chapter.

§ 153-4. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

ACT OR THE ACT

The Federal Water Pollution Control Act of 1977, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq., including the Water Quality Act of 1987.

APPROVAL AUTHORITY

The State Water Control Board of the Commonwealth of Virginia.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER

A. May be:

- (1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation.
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.
- (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates, such as a plant manager, environmental manager or their designates.

B. The authorization must be submitted to the Control Authority in writing and must name a responsible person or position. Whenever the authorization of this section is no longer accurate, a new authorization must be submitted to the Control Authority prior to or together with any reports to be signed by the authorized representative.

BIOCHEMICAL OXYGEN DEMAND (BOD)

The quantity of oxygen utilized in the biochemical oxidation of the organic matter under standard laboratory procedure, five days at 20° C. expressed in terms of weight and concentration [milligrams per liter (mg/l)].

BUILDING SEWER

A sewer conveying wastewater from the premises of a user to the POTW.

CITY

The City of Galax or the City Council of Galax.

COMPATIBLE POLLUTANT

Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the POTW's VPDES permit, where the POTW is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the POTW's NPDES permit.

CONTROL AUTHORITY

The City of Galax, Virginia, operating through the office of the City Manager, City Engineer and Water and Sewer Superintendent.

COOLING WATER

The water discharged from any use as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.

DIRECT DISCHARGE

The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Virginia.

ENVIRONMENTAL PROTECTION AGENCY OR EPA

The United States Environmental Protection Agency or, where appropriate, the Administrator or other duly authorized official of said agency.

GRAB SAMPLE

A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

HOLDING TANK WASTE

Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

INCOMPATIBLE POLLUTANT

All pollutants other than compatible pollutants.

INDIRECT DISCHARGE

The discharge or introduction of nondomestic pollutants from any source regulated under § 307(b), (c) or (d) of the Act (33 U.S.C. § 1317), into the POTW (including holding tank waste discharged into the system).

INDUSTRIAL USER

A source of indirect discharge.

INTERFERENCE

A discharge which, alone or in conjunction with discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal and is a cause of a violation of the POTW's VPDES permit or prevents lawful sludge use or disposal.

MINOR USER

A sewer user that does not meet the definition of a "Significant Industrial User," and is required to obtain a general sewer permit under § 153-6.9 of this chapter.

NATIONAL CATEGORICAL PRETREATMENT STANDARD

Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307 (b) and c of the Act (33 U.S.C. § 1317) which applies to industrial users.

NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD

Any regulation developed under § 307(b) of the Act and 40 C.F.R. § 403.5.

NEW SOURCE

Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed pretreatment standards under § 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- A. The building, structure, facility or installation is constructed at a site at which no other source is located; or
- B. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- C. The production or wastewater-generating processes of the building, structure, facility or installation are substantially independent of a existing source at the same site. In determining whether these are substantially independent, factors, such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

PASS-THROUGH

A discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's VPDES permit (including an increase in the magnitude or duration of a violation).

PERSON

Any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

PH

The logarithm (Base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

POLLUTANT

Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water, also including any chemical element or compound listed as a priority pollutant under the Act, or listed as a hazardous substance or hazardous constituent under RCRA, CERCLA or under regulations pursuant to those statutes.

POLLUTION

The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

POTW TREATMENT PLANT

That portion of the POTW designed to provide treatment to wastewater.

PRETREATMENT OR TREATMENT

The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR § 402.6(d).

PRETREATMENT REQUIREMENTS

Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

PRETREATMENT STANDARD

Prohibitive discharge standards, categorical pretreatment standards and local limits.

PUBLICLY OWNED TREATMENT WORKS (POTW)

A treatment works as defined by § 212 of the Act (33 U.S.C. § 1292) which is owned, in this instance, by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW.

SIGNIFICANT INDUSTRIAL USER

A. Except as provided in Subsection B:

(1) All industrial users subject to Categorical Pretreatment Standards under 40 CFR § 403.6 and 40 CFR Chapter I, Subchapter N, except as provided in Subsection B; and

(2) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement [in accordance with 40 CFR § 403.8(f)(6)].

B. Upon a finding that an industrial user meeting the criteria in Subsection A(2) above of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority may, at any time, on its own initiative or in response to a petition received from an Industrial User and in accordance with 40 CFR § 403.8(f)(6), determine that such industrial user is not a significant industrial user. Such discretionary designations or de-designations of significant industrial users pursuant to the subparagraph are subject to approval by the approval authority as required by 40 CFR 403.8(f)(6).

SIGNIFICANT NONCOMPLIANCE

A violation which meets one or more of the following criteria:

A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

B. Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for POD, TSS, fats, oil, and grease and 1.2 for all other pollutants except pH.)

C. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);

D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under § 158-50 of this chapter to halt or prevent such a discharge;

E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;

F. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance;

H. Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

STANDARD INDUSTRIAL CLASSIFICATION (SIC)

A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

STATE

The Commonwealth of Virginia.

STORMWATER

Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUSPENDED SOLIDS

The total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids and which is removable by laboratory filtering.

SUPERINTENDENT

The person designated by the City to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this chapter or his duly authorized representative.

TOXIC POLLUTANT

Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provision of § 307 (a) of the Act, or under other acts, including, but not limited to, RCRA, HSWA, CERCLA, SARA and TSCA.

USER

Any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM OR VPDES PERMIT

A document issued by the Approval Authority, pursuant to VR 680-14-01, authorizing, under prescribe conditions, the potential or actual discharge of pollutants from a point source to surface waters.

WASTEWATER

The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any ground water, surface water and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

WASTEWATER CONTRIBUTION PERMIT

As set forth in § 153-42 of this chapter; also called "industrial sewer use permit."

WATERS OF THE STATE

All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

§ 153-5. Abbreviations.

The following abbreviations shall have the designated meanings:

ASTM — American Society for Testing and Materials.

BOD — Biochemical oxygen demand.

CERCLA — Comprehensive Environmental Response, Compensation and Liability Act.

CFR — Code of Federal Regulations.

COD — Chemical oxygen demand.

EPA — Environmental Protection Agency.

HSWA —

Hazardous and solid waste amendments.

l — Liter.

mg/l — Milligrams per liter.

mg — Milligrams.

POTW — Publicly owned treatment works.

RCRA — Resource Conservation and Recovery Act.

SARA — Superfund Amendments and Reauthorization Act.

SIC — Standard industrial classification.

SWDA — Solid Waste Disposal Act, 42 U.S.C. § 6901, et seq.

TSCA — Toxic Substances Control Act.

TSS — Total suspended solids.

ug/l — Micrograms per liter.

USC — United States Code.

VPDES — Virginia Pollutant Discharge Elimination System.

WPCF — Water Pollution Control Federation.

Article II. Disposal of Waste and Wastewater

§ 153-6. Waste disposal prohibition.

It shall be unlawful for any person to place, deposit or permit to be deposited in any condition that may be considered as an unsanitary or unhygienic manner on public or private property within the City or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

§ 153-7. Wastewater discharges.

It shall be unlawful under state and federal law to discharge without a VPDES permit to any natural outlet within the City, or in any area under its jurisdiction. Wastewater discharges to the City's treatment works are not authorized unless permitted by the City in accordance with provisions of this chapter.

§ 153-8. Wastewater disposal.

Except as provided in this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

§ 153-9. Connection to treatment works required; exemption.

The owner of any house, building or property which is used for commercial, industrial, and/or residential purposes, abutting on any street, alley or right-of-way in which there is or may be located a sewer connected to the treatment works of the City, is required, at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly to the proper sewer in accordance with the provisions of this chapter, within 180 days after the date of adoption of this chapter, if the house or property is within 350 feet of the City sewer line. This section shall not apply to any person served by a privately constructed, owned, operated and maintained sewer and treatment facility which discharges directly to a natural outlet in accordance with the provisions of this chapter and applicable state and federal laws.

Article III. Building Sewers and Connections

§ 153-10. Connection permit required.

A. No person shall uncover, make any connections with, use, alter or disturb any wastewater sewer or a storm sewer without first obtaining a written permit from the City.

B. Classes of permits.

(1) There shall be two classes of permits for connections to the City's treatment works and treatment facilities:

(a) Class I: residential.

(b) Class II: industrial.

(2) In all classes, the owner shall make application for a permit to connect to the City's treatment works on a form furnished by the City. The permit application shall be supplemented by wastewater information required to administer this chapter. A permit and inspection fee of \$15 for a Class I, or \$45 for a Class II connection permit shall be paid to the City at the time the application is filed.

C. Connections to a storm sewer shall be subject to a permit and inspection fee of \$45. Such connections shall be subject to the provisions of this chapter and the approval of the City Manager.

§ 153-11. Separate connections required.

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another or on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard or driveway, the building sewer serving the front building may be extended to the rear building and the whole considered as one building sewer. The City assumes no obligation or responsibility for damage caused by or resulting from any single building sewer which serves two buildings.

§ 153-12. Existing building sewers.

Existing building sewers may be used for connection of new buildings only when they are found, on examination and test by the City, to meet the requirements of this chapter.

§ 153-13. Building sewer design.

The size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placement, jointing and testing methods used in the construction and installation of a building sewer shall conform to the building and plumbing code or other applicable requirements of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF shall apply.

§ 153-14. Building sewer excavation.

Whenever practicable, the building sewer shall be brought to a building at an elevation below the basement floor. In buildings in which any building drain is too low to permit gravity flow to the City's treatment works, wastewater carried by such building drain shall be lifted by an approved means and discharged to a building sewer draining to the City sewer.

§ 153-15. Surface runoff and groundwater drains.

A. No person shall connect roof, foundation, areaway, parking lot, roadway or other surface runoff or groundwater drains to any sewer which is connected to a treatment works unless such connection is authorized in writing by the City. The connection of such drains shall conform to codes specified in § 153-16 or as specified by the City Manager as a condition of approval of such connection.

B. Except as provided in Subsection A above, roof, foundation, areaway, parking lot, roadway or other surface runoff or groundwater drains shall discharge to natural outlets or storm sewers.

§ 153-16. Conformance with applicable codes.

The connection of a building sewer into a treatment works shall conform to the requirements of the building and plumbing code or other applicable requirements of the City, or the procedures set forth in appropriate specifications of the state's Sewerage Regulations, Uniform Building Code of Virginia, and the ASTM. The connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the City before installation.

§ 153-17. Connection inspection.

The applicant for a building sewer or other drainage connection permit shall notify the City when such sewer or drainage connection is ready for inspection prior to its connection to the City's treatment works. Such connection inspections and testing as deemed necessary by the City Manager shall be made by City employees.

§ 153-18. Excavation guards and property restoration.

Excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

§ 153-19. Protection of capacity for existing users.

The City Manager shall not issue a permit for any class of connection to the City's treatment works or treatment facilities unless there is sufficient capacity, not legally committed to other users, in the treatment works and treatment facilities to convey and adequately treat the quantity of wastewater which the requested connection will add to the treatment works and treatment facility. The City Manager may permit such a connection if there are legally binding commitments to provide the needed capacity.

§ 153-20. Mobile home park sewer system; metering.

It shall be the responsibility of the developer of any mobile home park in the City to install sanitary sewer lines in said park in conformance with pertinent sections of this chapter. Furthermore, one master meter shall be installed, at the owner's expense, that meters the waste of all mobile homes in the park.

Article IV. Discharge Regulations

§ 153-21. Special uses of treatment works.

All discharges of stormwater, surface water, groundwater, roof runoff, subsurface drainage, or other waters not intended to be treated in the treatment facility shall be made to storm sewers or natural outlets designed for such discharges, except as authorized under § 153-15. Any

connection, drain or arrangement which will permit any such waters to enter any other sewer shall be deemed a violation of this section and this chapter.

§ 153-22. Prohibited discharge standards.

A. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation of performance of the POTW. These general prohibitions apply to all such users of a POTW, whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements. A user shall not contribute the following substances to any POTW:

(1) Pollutants which create a fire explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140° F. or 60° C. using the test methods specified in 40 CFR § 261.21.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer, other interference with the operation of the wastewater treatment facilities or pass-through, including, but not limited to: petroleum oil, nonbiodegradable cutting oil, products of mineral oil origin, grease, garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(3) Pollutants which will cause corrosive structural damage to the POTW, including discharges with pH lower than 5.0 or higher than 9.5.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW or exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to § 307 (a) of the Act.

(5) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair. Materials are prohibited which indicate an excess of 300 ppm equivalent hexane by total peak area when tested by chromatographic vapor headspace gas analysis at 1:1 liquid: gas volume at 24° C.

(6) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludge or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under § 405 of the Act, any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to SWDA, the Clean Air Act, TSCA, RCRA, HSWA or state criteria applicable to the sludge management method being used.

- (7) Any substance which will cause the POTW to violate its VPDES and/or state disposal system permit or the receiving water quality standards.
- (8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW treatment plant which exceeds 40° (104° F.).
- (10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than 15 minutes more than five times the average twenty-four-hour concentration, qualities or flow during normal operation.
- (11) Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- (12) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (13) RCRA-listed solvent hazardous wastes from nonspecific sources, as defined in 40 CFR § 261.31, Nos. F001, F002, F003, F004 and F005.
- (14) Used oil.
- (15) 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.
- (16) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- (17) Discharges of petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass-through.

B. When the Superintendent determines that a user is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Superintendent may use any of the other enforcement powers set forth in Article VII.

§ 153-23. Modification of federal categorical pretreatment standards.

A. Where the City's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the City may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent, which is achieved by the system for 95% of the samples taken, when measured according to the procedures set forth in 40 CFR § 403.7(c)(2) of (40 CFR 403) the General Pretreatment

Regulations for Existing and New Sources of Pollution promulgated pursuant to the Act. The City may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the approval authority is obtained.

B. Upon the promulgation of a federal categorical pretreatment standard under 40 CFR Chapter I, Subchapter N, for a particular industry subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. The City Engineer shall notify all affected users of the applicable reporting requirements under 40 CFR § 403.12 and VR 680-14-01 § 7.9.

§ 153-24. Applicability of state requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter. The sewer limits developed for Galax under State Water Control Board Regulations govern, when stricter than the categorical limits.

§ 153-25. City's right of revision.

The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 153-1 of this chapter. The City has developed local limits under mandate from the SWCB. The City reserves the right to establish more stringent limits or control practices in the future, in response to new State or Federal requirements or discharge conditions.

§ 153-26. Dilution of discharge to achieve compliance prohibited.

A. No user shall increase the use of process water or contaminated water or water mixed with any substance or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards or any other pollutant specific limitation developed by the City or state.

B. The Superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations is appropriate.

§ 153-27. Accidental discharges.

A. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedure to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. The City may accept any accidental discharge plan that is current and has prior federal and/or state approval. Each plan shall include the following:

- (1) Description of discharge practices.
- (2) Description of stored chemicals.
- (3) Procedures for promptly notifying POTW.
- (4) Description of any necessary procedures to prevent accidental spills, including maintenance of materials, loading and unloading operations and control of plant site run-off.
- (5) Description of any necessary measures for building any containment structures or equipment.
- (6) Description of any necessary measures for controlling toxic organics.
- (7) Description of any necessary procedures and equipment for emergency response.
- (8) Description of any necessary follow-up practices to limit the damage suffered by the treatment plant or the environment and to prevent recurrence of the type of spill that occurred.
- (9) Time schedules as to when the procedure will be put into place.

B. Written notice. Notice shall be given immediately and written notice within five days following an accidental discharge. The user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrence. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property, nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law.

C. Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such dangerous discharge to occur are advised of the emergency notification procedures.

D. The City shall evaluate, at least once every two years, whether any significant industrial user needs a plan to control slug discharges. For purposes of this subsection, a "slug discharge" is any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge.

§ 153-28. Notification of changed discharge.

All industrial users shall all promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or hazardous wastes for which the industrial user has submitted initial notification under 40 CPR § 403.12(p).

§ 153-29. Notification and approval of new or increased discharge.

All industrial users shall promptly notify the POTW in advance of any new or increased discharge. The City may deny or condition new or increased contributions of pollutants or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its VPDES permit.

§ 153-30. Discharge limits.

A. Conventional pollutant limits. Unless specifically allowed by the City in writing, no person shall discharge wastewater containing in excess of:

- (1) 240 mg/l BOD, annual average.
- (2) 320 mg/l POD, monthly average.
- (3) 240 mg/l TSS, annual average.
- (4) 320 mg/l TSS, monthly average.
- (5) 100 mg/l oil and grease, at any time.

B. Sewer use permit limitations. The City, based upon review of information about an industrial discharge, may apply additional pollutant limitations through issuance of an industrial sewer use permit as provided in Article VI. The City may apply limits based on EPA Categorical Pretreatment Standards or local limits based on EOA and state-mandated criteria, standards, regulations and guidance for the POTW to comply with the pass-through and interference prohibitions of 40 CFR Part 403 and VR 680-14-1901.

§ 153-31. Recordkeeping requirements.

All industrial users shall maintain records of all information resulting from any required monitoring activities. Such records shall be maintained for a minimum of three years, and all industrial users shall make such records available for inspection and copying by the POTW and the approval authority. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by the executive director of the approval authority.

§ 153-32. Significant noncompliance.

The Control Authority shall compile and publish, at least once per year, in the largest daily newspaper published in the municipality in which the POTW is located, a list of industrial users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TPC = 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH.)

C. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public).

D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under § 153-50 of this chapter to halt or prevent such a discharge.

E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance.

F. Failure to provide, within 30 days after the due date, required reports, such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

G. Failure to accurately report noncompliance.

H. Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

Article V. Charges and Fees

[Amended 2-24-2003; 8-8-2005]

§ 153-33. Purpose; Schedule of Fees.

It is the purpose of this chapter to provide for the recovery of costs from users of the City's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the City's Schedule of Charges and Fees.

§ 153-34. Basis and procedure.

A. For billing purposes the volume of waste discharged into the sewer system shall normally be based on the metered water consumption of the user as shown in the records of meter reading maintained by the City.

B. Whenever any industrial user purchases all its water from the City and more than 20% of such water is not returned to the sewer system, the industrial user may request that billings be

based upon metered wastewater quantities. If approved by the City Manager, such user may then provide and maintain at his own expense a meter acceptable to the Superintendent for the measurement of the quantities of wastewater discharged. The meter shall be accessible for inspection by the Superintendent at all times and shall be maintained to produce an accurate record of the true quantities of sewage and wastewater discharged.

C. Whenever any user obtains any part of his water supply from sources other than the City, the quantities of wastewater shall be determined from the metered quantities of wastewater discharged to the sewer system. All wastewater meters shall be provided and maintained to produce an accurate record of the true quantities of water or wastewater discharged to the sewer system. All costs of meter installation, calibration, and maintenance shall be borne by the user at his own expense. The type of meters shall be acceptable to the Superintendent and the meters shall be accessible at all times for inspection by the Superintendent.

§ 153-35. Explanation of charges.

All persons discharging wastes into the City sanitary sewer system shall be rendered a bimonthly (six times per year) bill for the cost incurred by the City for the sewerage works services. Said bill shall include the proportionate share of:

- A. All fixed charges and amortization costs of additional plant capacity required for treating said industrial wastes; and
- B. A charge covering the operating costs incurred to the City in treating said wastes in the municipal sewage treatment plants.

§ 153-36. Determination of charges.

[Amended 6-8-2009; 6-14-2010]

The charges provided for in this article shall be arrived at in the following manner: the City Manager shall recommend to the City Council the rate to be charged. The rate of charges to be fixed by City Council shall be based upon meter flow. Beginning on July 1, 2010, the rates shall be as follows until amended by ordinance duly adopted by City Council.

A. Water rates.

Bimonthly Water Rates (Inside Corporate Limits)	
Consumption (gallons)	Rate
0 – 6,000 (base charge)	\$28
6,001 – 15,000	\$3.25 per 1,000 gallons
15,001 – 40,000	\$3.20 per 1,000 gallons
40,001 – 100,000	\$3.15 per 1,000 gallons
100,001 – 300,000	\$3.10 per 1,000 gallons
300,001 – 600,000	\$3.05 per 1,000 gallons

**Bimonthly Water Rates
(Inside Corporate Limits)**

Consumption (gallons)	Rate
600,001 and over	\$3.00 per 1,000 gallons

B. Sewer rates.

**Bimonthly Sewer Rates
(Inside Corporate Limits)**

Consumption (gallons)	Rate
0 – 6,000 (base charge)	\$28
6,001 – 15,000	\$3.25 per 1,000 gallons
15,001 – 40,000	\$3.20 per 1,000 gallons
40,001 – 100,000	\$3.15 per 1,000 gallons
100,001 – 300,000	\$3.10 per 1,000 gallons
300,001 – 600,000	\$3.05 per 1,000 gallons
600,001 and over	\$3.00 per 1,000 gallons

C. Outside corporate limits.

Bimonthly Rates

Consumption (gallons)	Water	Sewer
0 – 6,000 (base charge)	\$56	\$56
6,001 – 15,000	\$6.50 per 1,000 gallons	\$6.50 per 1,000 gallons
15,001 – 40,000	\$6.40 per 1,000 gallons	\$6.40 per 1,000 gallons
40,001 – 100,000	\$6.30 per 1,000 gallons	\$6.30 per 1,000 gallons
100,001 – 300,000	\$6.20 per 1,000 gallons	\$6.20 per 1,000 gallons
300,001 – 600,000	\$6.10 per 1,000 gallons	\$6.10 per 1,000 gallons
600,001 and over	\$6.00 per 1,000 gallons	\$6.00 per 1,000 gallons

D. Water connection charges.

Size of Line (inches)	75 feet or Less to Nearest Property Line	Over 75 feet to Nearest Property Line
3/4	\$1,000	Cost plus 15%, but not less than \$1,000
1	\$1,500	Cost plus 15%, but not less than \$1,500
1 1/2	\$2,000	Cost plus 15%, but not less than \$2,000

Size of Line (inches)	75 feet or Less to Nearest Property Line	Over 75 feet to Nearest Property Line
2	\$2,500	Cost plus 15%, but not less than \$2,500
4 and larger	\$3,000, plus cost of meter and vault	Cost plus 15%, but not less than \$3,000, plus water meter and vault

E. Sewer connection charges.

Size of Line (inches)	75 feet or Less to Nearest Property Line	Over 75 feet to Nearest Property Line
4	\$1,000	Cost plus 15%, but not less than \$1,000
6 or larger	\$1,500	Cost plus 15%, but not less than \$1,500

F. Reconnection fees. All meters disconnected due to nonpayment shall not be reconnected until the customer has paid the assessed user charge in full, and has paid \$50 for the service of reconnecting the meter.

§ 153-36.1. Base fee and meter requirements.

[Added 11-13-1007; amended 8-25-2008]

A. In determining the fees due under § 153-36A and B of the Code of the City of Galax, a separate "base rate" shall be assessed for each individual dwelling unit and each individual sleeping unit as those terms are defined in § 153-4 of the Code of the City of Galax, regardless of whether said unit is served by a separate meter, master meter, or shares a common meter with other units. Notwithstanding the foregoing, sleeping units shall be assessed at 1/2 of the "base rate" now provided under § 153-36A and B, or as those sections may be amended from time to time.

B. In determining the fees due under § 153-36A and B of the Code of the City of Galax, a separate "base rate" shall be assessed for each separate retail, business or commercial space or unit having separate water and/or sewer facilities, regardless of whether said space or unit is served by a separate meter, master meter, or shares a common meter with other spaces or units.

C. Any residential or commercial property having five or more units shall have a single master meter which shall measure the overall flow for all units located on such property.

§ 153-37. Deposits.

[Amended 6-14-2010]

All customers are required to remit to the City a deposit of \$125 for water and sewer services before these services may be utilized. Customers who own real property in the City are exempt from the deposit requirement.

§ 153-38. Acceptance of septage; fee.

The City will accept septage, pursuant to regulations to be promulgated by the City Manager, from jurisdictions within Carroll County or Grayson County exclusively, at a fee of \$100 per every 1,000 gallons or portion thereof.

§ 153-39. Billing; failure to pay.

A. The charges for this service shall be billed and payable bimonthly (six times per year) on a bill rendered by the City Finance Department. Said bills shall be sent through the United States mail notifying all persons of the amount and date due. Failure to receive notice shall not be an excuse for nonpayment of bills.

B. Persons not having paid their bills within 30 days of the billing date will be delinquent. After seven days notice of delinquency without payment, the water connection serving the premises may be severed and not turned on again until the bill is paid.

§ 153-40. Adoption of fees and charges.

A. The City may adopt charges and fees which may include:

- (1) Fees for reimbursement of costs of setting up and operating the City's pretreatment program;
- (2) Fees for monitoring, inspections and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures and construction;
- (4) Fees for permit applications;
- (5) Fees for filing appeals;
- (6) Fees for consistent removal (by the City) of pollutants otherwise subject to federal pretreatment standards;
- (7) Other fees as the City may deem necessary to carry out the requirements contained herein.

B. These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the City.

Article VI. Industrial Users

§ 153-41. Wastewater discharges.

It shall be unlawful to discharge without a City permit to any natural outlet within the City of Galax or in any area under the jurisdiction of the City and/or the POTW any wastewater except as authorized by the City Engineer in accordance with the provisions of this chapter.

§ 153-42. Significant industrial user permits.

A. Permits required. All significant industrial users proposing to connect to or to contribute to the POTW shall obtain an industrial sewer use permit before connecting to or contributing to the POTW.

B. Permit application; industrial waste survey questionnaire.

(1) Users required to obtain an industrial sewer use permit shall complete and file with the City, an application in the form prescribed by the City, included as Appendix A to this Chapter, *Editor's Note: Appendix A is on file in the City offices and may be examined there during regular office hours.* and accompanied by a fee of \$100. Parties needing blank forms shall request them from the City Engineer.

(2) Proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW.

(3) The application shall include the information listed in Appendix A. Submittal of an application in the form of Appendix A shall fulfill baseline monitoring report requirements for industrial users.

(4) The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue an industrial sewer use permit subject to terms and conditions provided herein.

C. Permit conditions. Industrial sewer use permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the City.

(1) Permits must contain, at a minimum, the following types of conditions:

(a) Statement of duration (in no case more than five years).

(b) Statement of nontransferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator.

(c) Effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits and state and local law.

(d) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency and sample type, based on applicable general pretreatment standards, categorical pretreatment standards, local limits and state and local law.

(e) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.

(2) In addition, permits may contain the following types of conditions:

(a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(b) Limits on the average and maximum wastewater constituents and characteristics;

(c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

(d) Requirements for installation and maintenance of inspection and sampling facilities;

(e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for test and reporting schedules;

(f) Requirements for submission of technical reports or discharge reports;

(g) Requirements for maintaining and retaining plant records relating to wastewater discharge. All industrial users shall maintain records of all information resulting from any required monitoring activities. Such records shall be maintained for a minimum of three years, and all industrial users shall make such records available for inspection and copying by the POTW and the approval authority. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by the executive director of the approval authority;

(h) Requirements for advance notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system or any significant change in production process.

(i) Requirements for notification of slug discharges;

(j) Requirements for modification of the permit if the permittee experiences changes in wastewater characteristics or modifies its pretreatment facilities; and

(k) Other conditions as deemed appropriate by the City to ensure compliance with this chapter.

D. Permits duration and reissuance.

(1) Permits shall not be issued for a period longer than five years.

(2) Applications for permit reissuance shall be submitted to the City no later than 180 days prior to expiration of the existing permit. Applications for reissuance shall include and supplement all information required by the permit application form attached as Appendix A. *Editor's Note: Appendix A is on file in the City offices and may be examined there during regular office hours.*

E. Permit transfer. Industrial sewer use permits are issued to a specific user for a specific operation. Such permits shall not be reassigned or transferred or sold to a new owner, new user, a different premises or a new or changed operation without the approval of the City.

F. Permit modifications. Permits may be modified by the City at any time pursuant to new federal or state regulations or new scientific information.

§ 153-43. Reporting requirements for industrial sewer use permits.

A. Compliance date report. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements.

B. Compliance schedule progress report.

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). If interim pretreatment is proposed, the application shall describe the nature, duration and expected effluent quality from such interim pretreatment.

(2) No increment referred to in Subsection B(1) shall exceed nine months. The timetable for completion of pretreatment construction shall not exceed 24 months from submission of application, but may be shorter than 24 months if so provided in the applicable federal pretreatment standard.

(3) No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the City Engineer, including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than two months elapse between such progress reports to the Superintendent.

(4) All compliance schedules submitted pursuant to this provision must meet any applicable requirements specified in 40 CFR 403.12(b)(7).

C. Periodic compliance reports.

(1) Any industrial user subject to a categorical pretreatment standard, after the compliance date of that pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Control Authority during the months of June and December, unless required more frequently in the pretreatment standard or by the Control Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported, except that the Control Authority may require more detailed reporting of flows. At the discretion of the Control Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may agree to alter the months during which the above reports are to be submitted.

(2) Where the Control Authority has imposed mass limitations on industrial users as provided for in § 153-26, the report required by Subsection C(1) above shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.

(3) For industrial users subject to equivalent mass or concentration limits established by the Control Authority in accordance with 40 CFR § 403.6(c), the report required by Subsection C(1) above shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by Subsection C(1) shall include the user's actual average production rate for the reporting period.

(4) Any industrial user shall notify the POTW, the EPA Regional Waste Management Division Director and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.

(5) If sampling performed by an industrial user indicates a violation, the industrial user must notify the Control Authority within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring at the industrial user's at least once a month or if the POTW performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.

D. Industrial water survey updates. Permitted industrial sewer users shall complete and submit waste survey questionnaire updates, as required by the City Engineer, at least annually.

E. Report certification and signatory requirements.

(1) All periodic compliance reports, baseline monitoring reports, and categorical pretreatment standard deadline ninety-day compliance reports shall be signed by an authorized representative of the Industrial User and 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."

(2) An authorized representative may be:

(a) A principal executive officer of at least the level of vice president if the industrial user is a corporation; or

(b) A general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively, or

(c) A duly authorized representative of the individual designated in Subsection E(2)(a) or (b) above if such representative is responsible for the overall operation of the facility from which the indirect discharge originates, such as a plant manager, environmental manager, or their designates. The authorization must be submitted to the Control Authority in writing and must name a responsible person or position. Whenever the authorization of this section is no longer accurate, a new authorization must be submitted to the Control Authority prior to or together with any reports to be signed by the authorized representative.

(3) In addition to the certification and signatory requirements specified in Subsection E(1) above, all baseline monitoring reports and ninety-day compliance reports shall be reviewed by an authorized representative and certified by a qualified professional.

§ 153-44. Monitoring facilities.

A. The City shall require to be provided at the industrial user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage system. All liquid discharges from the industrial user's facility must be accessible for sampling. Major and all process flows must be accessible through sampling manhole with provisions for flow measuring devices (flows, weirs) installed. Nonprocess flows must have separate water meters, if wastewater flow devices are not installed.

B. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling preparation of samples for analysis. The facility shall be maintained at all times in a safe and proper operating condition at the expense of the industrial user. The City will provide the necessary sampling and flow measure devices. New user applicants must submit plans and specifications to the City Engineer showing a proposal for installation of the monitoring manhole or manholes, and any proposed rerouting of waste piping. Such designs shall be stamped by a Virginia registered professional engineer and/or signed by an official of the firm. Lines and grades shall be shown to .01 feet, based on U.S.F.S./City level and traverse references. Designs should allow space for the possible construction of pretreatment facilities.

§ 153-45. Inspection and sampling.

The City shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. The City shall inspect and sample the discharges of significant industrial users twice annually. Persons or occupants of premises where wastewater is created or discharged shall allow the City and the Approval Authority or their representatives ready access during hours of operation to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties.

§ 153-46. Pretreatment.

Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review and shall be recognized by the City Engineer in writing before construction of the facility is begun. All construction must meet the BOCA Building Code, National Electrical Code and all applicable fire and environmental regulations.

§ 153-47. Information requirements.

A. Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be made available to the public or governmental agencies without restriction unless the industrial user specifically requests withholding of information, processes or methods of production entitled to protection as trade secrets of the user.

B. When requested by the industrial user, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for uses related to this chapter, the Virginia Pollutant Discharge Elimination System (VPDES) Permit, state disposal system permit and/or pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the industrial user. Effluent data shall be made available to the public without restriction.

§ 153-48. Stormwater at significant industrial user facilities.

A. Prohibitions. Stormwater shall not be allowed to enter the City POTW sanitary sewer system from the facilities of significant industrial users, either from roof or yard collection, sump or basement pumping, storage areas, foundation drains or any other means.

B. Documentation. Users shall submit with their permit applications or periodic update surveys descriptions and sketches showing where stormwater is collected and discharged from their facilities. The City may perform or require to be performed field verification, including smoke and/or dye testing.

C. Separation requirements. Not less than 60 days after initial discovery of stormwater connections or request by the City Engineer, users shall submit plans to separate stormwater connections to prevent stormwater from reaching the City sanitary sewer or POTW. The plans shall include scale drawings, specifications and a timetable, not to exceed six months for disconnection. Discharges of rerouted stormwater shall be performed only after written approval of plans for such by the City Engineer. The City reserves the right to require disconnection in less than six months, as necessary to protect the public health, safety, and welfare.

§ 153-49. General sewer permits for minor users.

A. Obligation of minor users. The City may require a minor user permit for any discharges to the POTW sanitary sewer system. The purpose of the general sewer permit for minor users is to provide simplified documentation of users who do not require specific sewer pollutant limitations or regular pollutant monitoring, but who may need to be periodically advised of City-wide waste regulations and housekeeping requirements.

B. Permit application. The City reserves the right to issue a general sewer use permit form to any minor user establishments. The form is attached as Appendix B to this chapter. *Editor's Note: Appendix B is on file in the City offices and may be examined there during regular office hours.* Users are required to submit the completed form within 60 days of issuance by the City. The form constitutes both an application and a permit-by-rule upon return receipt by the City.

C. Permit requirements. The general sewer use permits shall include a means for user acknowledgment of City-wide sewer prohibitions, including, but not limited to, excessive discharges of oil, acid or solvents.

D. Permit duration. General sewer use permits shall be renewed every five years.

E. Severability. The issuance of general sewer use permits to certain minor users does not relieve those minor users from the obligation to meet all other prohibitions of this chapter and does not relieve other nonpermitted sewer users from the obligation to comply with the general prohibitions of this chapter.

F. Change to industrial sewer use permit. Based on information gathered, the City reserves the right to change a user's status from minor user to significant industrial user, thus requiring application for an industrial sewer use permit.

G. Stormwater at minor user facilities. Minor users who receive general sewer use permits shall submit a description of how stormwater, including roof drains, yard drains and pumpage, are discharged. The City may require separation of stormwater connections from the POTW sanitary sewer.

Article VII. Enforcement

§ 153-50. Harmful contributions; emergencies.

A. The City may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the City Manager, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to human health or welfare or to the environment, causes interference or pass-through to the POTW or causes the City to violate any condition of its VPDES permit. Emergency conditions are defined pursuant to § 7.6.F.1.g.3 of VR 680-14-01 and also in 40 CFR § 403.8(f)(vi)(B).

B. Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as are deemed necessary, including immediate severance of the sewer connection or the discontinuance of water service, to prevent or minimize damage to the POTW system or endangerment to any individuals or to the environment. The City shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge.

§ 153-51. Revocation of permit.

Any user who violates the following conditions of this chapter, or applicable state and federal regulations is subject to permit revocation in accordance with the procedures of Article VII of this chapter.

- A. Failure of the user to factually report the wastewater constituents and characteristics of his discharge;
- B. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- C. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- D. Violation of conditions of the permit.

§ 153-52. Notification of violation.

Whenever the City finds that any user has violated or is violating this chapter, a wastewater contribution permit or any prohibition, limitation or requirement contained herein, the City may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by

the user. The City reserves the right to perform any and all additional surveillance necessary to verify that violations have been corrected.

§ 153-53. Show-cause hearing.

A. Notice of hearing. The City may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the City Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the City Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 days before the hearing. Service may be made on any agent or officer of a corporation.

B. Conduct of hearing. The City Council may itself conduct the hearing and take the evidence or it may designate any of its members or any officer or employee to:

(1) Issue in the name of the City Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.

(2) Take the evidence.

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations, to the City Council for action thereon.

C. Testimony. At any hearing held pursuant to this chapter, testimony shall be taken under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of \$2 per page of transcript.

D. Decision. After the City Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

§ 153-54. Legal action.

If any user fails to comply with any pretreatment standard or requirement established under this chapter, federal or state pretreatment regulations, or any order of the City, the City Attorney may commence action for appropriate legal and/or equitable relief, including injunctive relief, in the Circuit Court of this City.

§ 153-55. Administrative compliance orders.

The City may issue an administrative compliance order to any industrial sewer use permittee for violation of permit limitations and/or schedule and/or submission requirements that have occurred for that permit.

Article VIII. Violations and Penalties.

§ 153-56. Criminal penalties.

Any person who violates any standard or requirement established under this chapter, or any order of the City relating to the operation of the POTW or discharges thereto, or any person who knowingly makes false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction of a Class I misdemeanor, be punished by a fine of not more than \$1,000 per day per violation or by imprisonment of not more than 12 months, or both. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

**Article IX. Industrial Pretreatment Program
Implementation and Organization Plan**

§ 153-57. Effect.

Requests, orders and directives issued by the City personnel positions as outlined in the current Industrial Pretreatment Program Implementation and Organization Plan are effective through the power of this chapter (plan as prepared by the City Engineer and authorized by the City Manager with subsequent revisions as are duly executed by the City Manager)