



City of Lynchburg

Non Domestic and Industrial User Regulations and Practices

Section I, Definitions

(a) Specific definitions. Unless stated otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section:

ACT: The Federal Clean Water Act, as amended.

Approval Authority: The Commonwealth of Virginia.

ASTM: The American Society for Testing and Materials.

Biochemical Oxygen Demand (BOD): That quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) Days at twenty (20) degrees Centigrade, expressed in milligrams per liter, as determined by Standard Methods.

Building Drain: That part of the lowest piping of a drainage system, beginning five (5) feet (1.5 meters) beyond the foundation walls of the building or structure, which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the Building sewer. Also referred to as "house drains."

Building Sewer: That part of the drainage system which extends from the end of the Building Drain and conveys its discharge to public sewer, private sewer, individual Sewage-disposal system or other point of disposal.

Chemical Oxygen Demand (COD): A measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant, as determined by Standard Methods.

City: The City of Lynchburg, though generally the Utilities Administrator

Combined Sewer: A sewer intended to receive both wastewater and storm or surface water.

Commercial User: Includes any property occupied by a nonresidential establishment not within the definition of an "Industrial User," and which is connected to the Wastewater Facilities.

Day: The twenty-four (24) hour period beginning at 12:01 a.m.

EPA: The United States Environmental Protection Agency.

Floatable Oil: Oil, fat or grease in a physical state such that it is soluble in n-hexane.

Garbage: The animal and vegetable waste resulting from the handling, storage, dispensing, preparation,

cooking and serving of foods.

Indirect Discharge or Discharge: The introduction of pollutants into the wastewater facilities from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

Industrial user: A source of indirect discharge.

Industrial Wastes: That wastewater from Industrial Users.

High Strength Waste Surcharge: That rate charged in excess of the sewer service rate for all wastewater over and above normal wastewater standards.

Interference: A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the wastewater facilities, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's VPDES permit including an increase in the magnitude or duration of a violation or the prevention of sewage sludge use or disposal in compliance with any of the following statutory/ or local regulations: Section 405 of the Clean Water Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substance Control Act; and the Marine Protection, Research and Sanctuaries Act.

Local Limits: Technically based limits established by the City to implement general and specific prohibited standards and to protect against pass through and interference.

May: is permissible; shall is mandatory.

Medical Wastes: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

National Categorical Pretreatment Standard: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the ACT, which apply to a specific category of users which appear in 40 CFR part 403 Appendix C.

New Source: Any building, structure, facility or installation from which there is or may be a discharge of pollutants whose construction commenced after the publication of proposed Pretreatment Standards under & 307(c) of the Clean Water Act. Additional considerations are identified in Section IV (a) 1.

Non Domestic Wastes: Wastewater from sources other than Residential Users

Normal Wastewater: Wastewater discharged into the Sanitary Sewers in which the average concentrations of total Suspended Solids is not more than four hundred (400) mg/l and BOD is not more than three hundred (300) mg/l; total phosphorus is not more than fifteen (15) mg/l; total Kjeldahl nitrogen is not more than eighteen (18) mg/l; and total flow is not more than twenty-five thousand (25,000) gallons per day. Also referred to as "domestic waste."

VPDES: Virginia Pollutant Discharge Elimination System permit program, as administered by the Commonwealth of Virginia.

Pass Through: A discharge which exits the wastewater treatment works into state waters in quantities or concentrations which, alone or in conjunction with discharge or discharges from other sources, is a cause of a violation of any requirement of the City'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. This definition includes all Federal, State, and local government entities. .

pH: The reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water for example has a pH value of seven (7) and hydrogen-ion concentration of 10.

Pretreatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to discharge to the City of Lynchburg's wastewater facilities.

Pretreatment Standards: Prohibited discharge standards, EPA categorical pretreatment standards, and local limits.

Properly Shredded Garbage: The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

Residential User: All premises used only for human residency which are connected to the wastewater facilities. Residential users include, but are not limited to single family residences, apartments, townhouses, condominiums, and trailers

Sanitary sewer: Any sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants or institutions.

Sanitary Wastewater: Wastewater discharged from the sanitary conveniences of dwellings, office buildings, industrial plants or institutions.

Sewage: Water carried human wastes from residences, buildings, industrial establishments, or other places.

Sewer: The structure of a pipe or conduit that carries wastewater or drainage water.

Sewer Service Charge: The amount charged for normal wastewater discharge into the city's Wastewater Facilities or sewerage system including service fees, taxes, permit fees, surcharges, and other appropriate fees adopted by the City Council to recover the cost of collection and treatment of Wastewaters..

Significant Industrial User (SIU): is a user meeting the definition provided in Section VI of these regulations.

Significant Noncompliance: A serious state of noncompliance, specifically defined in Section XV1 of these regulations which requires publication of the name of the user and the offense in the local newspaper. Other actions may also be required.

Slug: Any discharge of a non-routine episodic nature, including but not limited to an accidental spill or a non-customary batch discharge or any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and may adversely affect the collection system and/or performance of the wastewater treatment works or cause a violation of the prohibited discharges in Section II of these regulations..

Standard Methods: The latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, Water Environment Federation and American Water Works Association.

State: The Commonwealth of Virginia.

State Waters: All natural waters on the surface of the ground, within or bordering the State and within the State's jurisdiction

Storm sewer: A sewer for conveying storm, surface and other waters, which is not intended to be transported to a treatment facility.

Surface Water: Water which occurs when the rate of precipitation exceeds the rate at which water may infiltrate into the soil.

Suspended Solids: Shall mean the total suspended matter that either floats on the surface, or is in suspension in, water or wastewater, as determined by "Standard Methods."

Toxics: Any of the pollutants designated by federal regulations pursuant to Section 307(a)(1) of the Act.

Utilities Administrator: The Utilities Administrator of the City or his authorized deputy, agent or representative.

Wastewater: A combination of liquid and water-carried wastes from residences, commercial buildings, industries and institutions, together with any groundwater, surface water or storm water that may be present. Also referred to as "sewerage."

Wastewater Facilities: Also referred to as Publicly Owned Treatment Works (POTW) and is any devices used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to the POTW Treatment Plant.

Wastewater Facilities Board of Appeals: That board appointed pursuant to the provisions of Article III Section 34-63 of the City ordinance.

Wastewater sewer: The structures, processes, equipment and arrangements necessary to collect and transport wastewaters to the Wastewater Treatment Works.

Wastewater treatment works: Any arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Also referred to as "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

(b) General definitions. The meaning of terms in this article and not defined in Section I above shall be as defined in the Glossary: "Water and Wastewater Control Engineering," prepared by Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association, and Water Environment Federation, Copyright 1969. (Ord. No O-84-169, & 1, 6-36-84, eff. 6-30-84, Ord No. O-87-265, & 1, 11-24-87, eff 1-1-88)

Section II, Prohibited Wastes Generally.

(a) General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

(b) Specific Prohibitions. No person shall discharge or cause to be discharged any of the following described pollutants to the wastewater facilities:

(1) Pollutants which create a fire or explosive hazard in the wastewater facilities, including,

but not limited to, wastestreams with a closed cup flashpoint of less than 140 °F (60°C) using the test methods specified in 40 CFR 261.21.

- (2) Any discharges having a pH lower than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the City's wastewater facilities.
- (3) Discharges containing toxic or poisonous solids, liquids, or gases in sufficient quantity, singly or by interaction with other wastes, to injure or cause interference with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the Wastewater Facilities.
- (4) Solid or viscous substances in such quantities or of such size that said substance may cause obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities, including, but not limited to, ashes, bone, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (5) Any pollutant including oxygen demanding pollutants (BOD, etc) released in a wastewater discharge at a flow rate and/or pollutant concentration which either singly or by interaction with other pollutants will cause interference with the wastewater facilities
- (6) Contains heat in amounts which will accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the wastewater sewer or inhibit biological activity in the Wastewater facilities, but in no case shall the discharged wastewater have a temperature higher than one hundred fifty (150) degrees Fahrenheit [sixty-five (65) degrees Celsius] or cause the temperature of the influent to the wastewater treatment plant to exceed one hundred four (104) degrees Fahrenheit [forty (40) degrees Celsius].
- (7) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference of pass through but in no case wastewater containing more than one hundred (100) milligrams per liter of such oils.
- (8) Pollutants which results in the presence of toxic gases, vapors, or fumes within the wastewater facilities in a quantity that may cause acute worker health or safety problems.
- (9) Trucked or hauled pollutants, except at discharge points designated by the City in Section III of these regulations
- (10) Wastewater from industrial or commercial plants containing floatable oils, fat, or grease.
- (11) Any garbage which has not been properly shredded.
- (12) Any wastewaters containing elements, heavy metals, cyanide, hydrocarbons, insecticides, herbicides or fungicides, in excess of the maximum permitted parts per million, as established in these regulations.
- (13) Any waters or wastes containing odor producing substances exceeding the limits prescribed in the Commonwealth regulations for the control and abatement of air pollution.
- (14) Any radioactive wastes or isotopes in harmful quantities as defined by applicable State and federal regulations.
- (15) Quantities of flow, concentrations or both which constitute "slug" as defined in Section I or these regulations or cause interference to any wastewater treatment process.

(16) Waters or wastes containing substances which, upon determination and notification to the discharger thereof by the City, are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment works effluent cannot meet the requirements of other governmental agencies having jurisdiction over discharge to the receiving waters.

(17) Upon determination and notification to the discharger thereof by the City, any water or wastes which, by interaction with other water or wastes in the wastewater facilities, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and Publicly Owned Treatment Works (POTW) operation.

(18) Any discoloration by dye, coloring or tint that is not removable by normal wastewater treatment works operation.

(19) Infectious or medical wastes as determined by the City to pose a health hazard to the general public or to workers at the treatment facilities.

(20) Any unpolluted waters such as storm water, ground water, roof runoff or subsurface drainage.

(21) Any non contact cooling waters originating from a new user, or increased volume or sources from existing users.

Section III, Truck Hauled Wastewaters.

Persons desiring to discharge waste taken from any septic tank, cesspool or other sewage container into the wastewater facilities of the City shall possess a valid septage haulers discharge permit. Permits will be issued by the City for a term not to exceed three (3) years and will specifically identify the types of wastes which can be discharged. For the purpose of waste classification, there will be two (2) generally acceptable types of waste sources:

Residential: Wastes collected from establishments where only household type activities have occurred.

Restaurant wastes: Non-solid wastes collected from establishments engaged in the selling of prepared food to the general public. (eg. restaurant grease pits)

Wastewaters originating from significant industrial users require a wastewater discharge permit prior to discharge to the wastewater facilities. All such discharges shall be in compliance with all requirements of the wastewater discharge permit.

All other types of hauled wastes will be subject to the conditions of prearranged contractual agreements between the wastewater facilities and the waste generator.

All persons discharging a hauled waste to the sewage system of the City will adhere to the following conditions:

- (1) All wastes will be brought to the designated discharge location at the wastewater facilities;
- (2) A complete manifest form, containing the appropriate signatures and identifying the source of the wastes, shall be presented to the wastewater treatment plant operator prior to discharge;
- (3) No truck load shall exceed twenty-five hundred (2500) gallons unless through permit or contractual agreement, or having been granted prior permission by the City;
- (4) Only residential and restaurant may be mixed on any one truck. All other types of wastes must be the

exclusive type of waste collected from the generator.

- (5) Only permitted haulers will be allowed to discharge wastes into the wastewater facilities.
- (6) Bills for service must be paid by the due date. Disposal services will be suspended for non payment of charges after the due date.

Calculation of cost of service charges shall be accordance with Article III Sec 34-13 of the City ordinance, billed on a monthly basis, and to be inclusive of all loads received in any calendar month.

Section IV, National Categorical Pretreatment Standards.

(a) No person shall discharge or cause to be discharged to any wastewater facilities, pollutants subject to an applicable national categorical pretreatment standard promulgated by EPA 40 CFR, parts 405-471, in excess of the quantity prescribed in such applicable standards except as otherwise provided in this section. Compliance with such applicable Pretreatment Standards shall be within three (3) years of the date the standard is promulgated; provided, however, compliance with a categorical pretreatment standard for new sources shall be required upon promulgation. These standards shall be in addition to all applicable pretreatment standards and requirements.

- (1) For purposes of definition a new source is considered to be:

Any building, structure, facility or installation from which there is or may be a discharge of pollutants whose construction commenced after the publication of proposed pretreatment standards under & 307(c) of the Clean Water Act , applicable to such source, if such pretreatment standards are thereafter promulgated, 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 an 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.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria above, but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a new source as defined herein has commenced if the owner or operator has;

- (a) Begun, or caused to begin as part of a continuous onsite construction program:
 - (1) Any placement, assembly, or installation of facilities or equipment: or
 - (2) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment: or
- (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be

terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(b) **Removal Credits:** Upon application by an industrial user, the City may submit to the Approval Authority a request for modifications to any limitations on substances specified in the applicable Pretreatment Standards to reflect the removal of the substances by the wastewater facility. Upon notification of acceptance by the Approval Authority, the City shall revise the discharge limit in accordance with federal law.

(c) **Fundamentally Different Factors, Variances:** Upon application by an industrial user, the City may submit any limitation adjustment on substances specified in the applicable pretreatment standards to the approval authority so that they may consider factors relating to such Industrial User which are fundamentally different from the factors considered by EPA during the development of the pretreatment standard. Request for and determinations of a fundamentally different adjustment shall be in accordance with federal law. Upon the approval authority's notification of acceptance of the requested adjustment, the City shall make the appropriate changes.

(d) The City shall notify any industrial user affected by the provisions of this Section and establish an enforceable compliance schedule for each in accordance with 40 CFR Sec. 403.8. (Ord. No. O-84-169, § 1, 6-26-84, eff. 6-30-84)

Section V, Industrial Users Information Requirements.

(a) **Wastewater User Classifications:**

There are three (3) classes of Wastewater Facilities users;

(1) **Residential:** All premises used only for human residence.

(2) **Commercial:** Any property occupied by a nonresidential establishment not within the definition of an "Industrial User."

(3) **Industrial:** A source of indirect discharge where there is the introduction of pollutants into the wastewater facilities from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

(b) **Survey and Questionnaire Forms**

(1) All industrial users shall file with the City, at least once every five years, wastewater information deemed necessary by the City for determination of compliance with this ordinance, the city's VPDES permit conditions, and State and federal law. Such information shall be provided by completion of a questionnaire designed and supplied by the City and by supplements thereto as may be necessary.

(2) Where a person owns, operates or occupies properties designated as an Industrial User at more than one (1) location, separate information submittals shall be made for each location as may be required by the City.

(c) **Industrial User Information Requirements:** All Industrial Users required to submit an application in accordance with this Section of these regulations shall complete the appropriate application form as supplied by the Utilities Administrator. In support of the application, the user may be required to submit, in units and terms appropriate for evaluation, the following information, Baseline Report and Compliance Schedule:

(1) Name, address and location (if different from the address) as well as the names of the owners and/or operators;

- (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987 as amended.
- (3) List of any environmental control permits held by or for the facility
- (4) Description of activities, facilities and plant processes on the premises including all materials, which are or could be discharged;
- (5) Site plans which show all sewers, sewer connections and appurtenances by the size and location going to the property lines as well as diagrams or drawings indicating industrial and treatment processes and process flow details;
- (6) Each product produced by type, process or processes;
- (7) Type and amount of raw materials processed (average and maximum per day);
- (8) Wastewater constituents and characteristics, including, but not limited to, those regulated by Section II of these regulations, as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended, or in accordance with other procedures approved by EPA;
- (9) Time and duration of contribution;
- (10) Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations if any; from regulated process streams and other wastewater streams as necessary to allow use of the combined wastestream formula or flow weighted averaging formula.
- (11) Number of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (12) Identify the pretreatment standards and requirements applicable to the user.
- (13) The nature and concentration and/or mass, where required of any pollutants each discharge and/or regulated process waste stream which are limited by any City, State or national pretreatment standard. Analytical results shall be representative of daily operations;
- (14) A description of the industrial user's state of compliance and certification statement in accordance with Section VIII 2. of these regulations signed by an authorized representative and certified by a qualified professional regarding the accuracy of the submission and whether or not the Pretreatment Standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (15) If additional pretreatment and/or operation and maintenance will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule) 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.).
 - (b) No increment referred to in paragraph (i) shall exceed 9 months

(c) Not later than fourteen (14) Days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the City 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 reasons for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the City.

(16) Any other information as may be deemed by the City to be necessary to evaluate the permit application.

Section VI, Significant Industrial Users (SIU):

(1) A Significant Industrial User (SIU) is considered as:

(a) Any industrial user who discharges into the city's Wastewater Facilities more than twenty-five thousand (25,000) gallons of process wastewater per average work day.

(b) Any industrial user whose wastewater is subject to National Categorical Pretreatment Standards.

(c) Any industrial user whose wastewater, in the opinion of the City, could be potentially harmful to the city's Wastewater Facilities.

(d) Any industrial, commercial or residential user who has in its wastewater toxic pollutants in concentrations or amounts that the City finds to require specific control

(e) Any industrial, user who is found by the City to have significant impact, either singly or in combination with other contributing industries, on the Wastewater Treatment Facilities, the quality of sludge, the Facilities effluent quality, or air emissions generated by the Facility or who is found to have a reasonable potential for adversely affecting the wastewater facilities operations or for violating any pretreatment standard or requirement.

(f) Any industrial user whose discharge is greater than five (5) per cent or more of the dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the Publicly Owned Treatment Works (POTW)

(2) All significant industrial users proposing to connect to or to contribute to the Wastewater Facility shall obtain a wastewater discharge permit before connection to or contributing to the Wastewater Facility.

(3) Significant industrial users required to obtain a wastewater discharge permit shall complete and file with the City an application in the form prescribed by the City.

Section VII, Wastewater Discharge Permits

Any reference to "permit" in this section shall expressly refer to wastewater discharge permits.

No Significant Industrial User shall discharge Wastewaters to the City sewer system without a wastewater discharge permit, and all such discharges shall be in compliance with such permit.

After evaluation and acceptance of the data furnished in Section V of these regulations, the City may issue a wastewater discharge permit subject to terms and conditions provided herein.

(1) Permit conditions. Wastewater Discharge Permits shall be expressly subject to all provision of these regulations and all other applicable regulations, user charges and fees established by the City.

Where determined by the City to be required for compliance with applicable pretreatment standards, local limits, prohibited discharge standards and/or to prevent violations of the wastewater facilities VPDES permit issued to Significant Industrial Users shall contain:

- (a) A statement of duration;
- (b) A statement of non transferability;
- (c) Effluent limits based on applicable general pretreatment standards of Section II and 40 C.F.R. part 403, national categorical pretreatment standards, local limits, and other requirements based on State and City law;
- (d) Self-monitoring, sampling, reporting, notification, and record keeping requirements; including an identification of the pollutants to be monitored, and sampling location, frequency, and type;
- (e) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule;

Generally permits may contain the following:

- (f) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the city's wastewater facilities;
 - (g) Limits on the average and maximum concentrations of pollutants;
 - (h) Limits on average and maximum rate and time of discharge of requirements for flow regulation and equalization;
 - (i) Requirements for installation and maintenance of inspection and sampling facilities;
 - (j) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
 - (k) Compliance schedules;
 - (l) Requirements for submission of technical reports or discharge reports (see Section VIII of these regulations);
 - (m) Requirements for maintaining and retaining plant records for at least three (3) years relating to wastewater discharge as specified by the City, and affording City access thereto;
 - (n) Requirements for notification of the City for 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;
 - (o) Requirements for immediate notification of accidental discharges or slug discharges;
 - (p) Requirements for development and implementation of plans to control accidental spills or slug discharges;
 - (q) Identification of possible enforcement actions including civil or criminal penalties for permit violations. Other conditions as deemed appropriate by the City to ensure compliance with these regulations.
- (2) The City may impose mass limitations on users where the imposition of mass limitations are appropriate. In such cases, the report required by Section VIII shall indicate the mass of pollutants

regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and nature and concentration, or production and mass where requested by the City, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable wastewater discharge permit. All analysis shall be performed in accordance with procedures established by EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, and amendments thereto, or with any other test procedures approved by EPA. Sampling shall be performed in accordance with the techniques approved by EPA. Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publications, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by EPA.

- (3) No discharger shall in any way utilize dilution as a substitute for treatment or to otherwise meet pretreatment requirements.
- (4) Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the City. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.
- (5) Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a shorter period or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) Days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit if wastewater user classification, industrial processes, wastewater characteristics, limitations or requirements as identified in Section V (a) and (c) change or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (6) A wastewater discharge permit may be administratively extended by the City past its expiration date in the event that through no fault of the industrial user, in submitting a complete and timely application, the permit is not reissued prior to the expiration date.
- (7) Within ninety (90) Days of the promulgation of a national categorical Pretreatment Standard the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by Section V (b)(3), the user shall apply for a wastewater discharge permit within one hundred eighty (180) Days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater discharge permit shall submit to the City within one hundred eighty (180) Days after the promulgation of an applicable National Categorical Pretreatment Standard the information required by Section V (c) paragraphs 1 through 16 of these regulations
- (8) Record keeping requirements. Any industrial user subject to the requirements established in Section VIII and Section IX shall maintain records of all information resulting from operation or monitoring activities for a minimum of three (3) years and throughout the course of any ongoing litigation.
- (9) Public Access. Information and data provided to the Wastewater Facilities pursuant to this section which is effluent data shall be available to the public without restriction. All other information which is submitted to the Wastewater Facilities shall be available to the public at least to the extent provided by 40 C.F.R. Sec 2.302. Any information other than effluent data may be claimed as confidential by the submitter by following the procedures set forth in 40 C.F.R. Sec. 403.14(a)

Section VIII, Reporting requirements for permittee:

(1) Compliance Reports:

(a) **Baseline Monitoring Reports:** Within one hundred and eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the wastewater treatment facility shall submit to the City a report which contains the information listed in Section V(c) 1 through 16. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the City a report which contains the information listed in Section V(c) 1 through 16. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged in accordance with 40 C.F.R.403.12 (b)(4) & (5)

(b) **Ninety-Day Compliance Reports:** Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the wastewater facilities, industrial users subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in Section V(c) 10, 13, and 14 of these regulations. For industrial users subject to equivalent mass or concentrations limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection 2 below.

(c) **Periodic Compliance Reports:** Any industrial user required to conduct self monitoring, or any industrial user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the wastewater facilities, shall submit to the City during the months of June and December, unless required more frequently in the Pretreatment Standard, or discharge permit, periodic reports conforming to subsections 2. (a) through (c) below. At the discretion of the City and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the City may agree to alter the months during which the above reports are to be submitted.

(2) General Reporting Requirements:

In general, all submitted reports shall contain the following components;

(a) **Discharge Information:** A report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards or permit requirements and the average and maximum daily flow for these process units in the industrial user facility which are limited by such Pretreatment Standards or permit requirements and the average and maximum daily flow for these process units in the user facility which are limited by such Pretreatment Standards or permit requirements.

(b) **Compliance Status:** The report shall state whether the applicable Pretreatment Standards or permit requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable Pretreatment Standards or permit requirements. If additional pretreatment or operation and maintenance will be required to meet the permit or pretreatment requirements the user shall submit a plan (including schedules) to the City. The plan (including schedules) shall be consistent with applicable conditions of the City's VPDES Permit or other local, State or Federal laws.

(c) **Certification:** Reports shall be reviewed and signed by a principal executive officer, ranking elected officer, or duly authorized employee, if such employee is designated in writing by principal executive

officer or ranking elected officer, by position or name and if such employee is an individual or a position having responsibility for the overall operation of the regulated facility or activity, or position of equivalent responsibility. All reports will contain the following language:

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 upon 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.

(d) Notice of Violation/Repeat Sampling and Reporting: If sampling performed by the permittee indicates a violation, the user must notify the City within twenty-four (24) hours of becoming aware of the violation. The permittee shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation. The permittee is not required to resample if the City monitors at the permittees facility at least once a month, or if the City samples between the permittee initial sampling a when the permittee receives the results of this sampling.

(e) Report of Changed Conditions: Each permittee must notify the City of any planned significant changes to the permittees operations or system which might alter the nature, quality, or volume of its wastewater at least five (5) business days before the change.

Section IX, Provision for monitoring:

The City may require periodic monitoring of nondomestic and industrial dischargers. The City may conduct this monitoring itself or require the discharger to conduct self monitoring. The City shall determine the type and frequency of monitoring in such a manner as to characterize the quantity and quality of the user discharges. Monitoring will be conducted in order to assure compliance with the City ordinance and these regulations.

(a) When required by the City, the owner of any property serviced by a building sewer carrying Industrial Wastewater discharges shall provide suitable access and such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastewater. There shall be ample room provided to enable convenient inspection and sampling by the City. Such access shall be in a readily and safely accessible location and shall be provided in accordance with plans approved by the City. The access shall be provided and maintained at the owner's expense so as to be safe and accessible at responsible times.

(b) Each sampling chamber shall contain a Parshall flume, accurate weir, or similar device, with a recording and totalizing register for measurement of the liquid quantity; or the metered water supply to the industrial plant shall be used as the liquid quantity where it is substantiated that the metered water supply and waste quantities are approximately the same, or where a measurable adjustment can be made in the metered supply to determine the liquid quantity. The measuring, totalizing and recording devices are to be supplied, installed and maintained by the owner. Metering devices are to be calibrated and certified to be accurate by a qualified service entity at least once per year, and written records shall be maintained of such calibrations for at least three years.

(c) Except where grab samples for certain parameters are required, all samples will be composited. Composite Samples shall be taken at a minimum of once every hour, properly preserved and composited in proportion to the flow for a representative twenty-four (24) hour sample. Such sampling shall be repeated on as many days as necessary, as determined by the City, to ensure representative quantities for the entire reporting period. Industrial plants with wide fluctuation in quantities of wastes shall provide an automatic sampler paced by a flow-measuring device.

(d) Minimum requirements for representative quantities shall include evaluation during each six (6)

month period. The determination of representative quantities where discharges occur on a regular basis shall include not less than three (3) days of twenty-four (24) hour composite samplings during a two (2) week period taken during periods of normal operation, together with acceptable flow measurements. Where discharges are of an episodic or infrequent nature or composed entirely of batch type discharges, sampling is required of each event until a minimum of three events are sampled or a period six (6) months passes which ever occurs first. The frequency of sampling, sampling chamber, metering device, sampling methods and analysis of samples shall be subject, at any time, to inspection and verification by the City.

(e) Measurements, tests and analysis of the characteristics of wastewater required by this article shall be performed by a qualified laboratory not disapproved by the City. Costs of analysis performed by an independent laboratory shall be borne directly by the discharger.

(f) For each measurement or sample taken pursuant to this section, the following information shall be recorded and maintained:

- (1) The date, exact place and time of sampling or measurement;
- (2) The person(s) who performed the sampling or measurements;
- (3) The dates the analyses were performed;
- (4) The person(s) who performed each analysis;
- (5) The analytical technique or methods used;
- (6) The results of such analyses and measurements; and
- (7) A proper chain of custody form.

Section X, Power and Authority of Inspectors.

(a) The Utilities Administrator, his designate, or authorized State or Federal officials, bearing proper credentials and identification, shall be permitted to enter all areas of an industrial user's facility for the purposes of inspection, observation, measurement, sampling and testing of the wastewater discharge to ensure that the discharge to the Wastewater Facilities is in accordance with the provisions of these regulations. Such persons also have the right to inspect and copy records relating to wastewater discharge as specified by the City.

(b) While performing the necessary work on private properties referred to in this Section, the City representative shall observe all safety and occupational rules established by the owner or occupant of the property and applicable to the premises. (Ord. No O-84-169, & 1 6-26-84, eff. 6-30-84)

Section XI, Pretreatment.

Wastewaters with Special characteristics:

(1) If any wastewater, violates national pretreatment standards or prohibited discharges, contains substances or possesses characteristics shown to have deleterious effects upon the wastewater facilities, processes, equipment or receiving waters, or constitutes a public nuisance or hazard, is discharged or is proposed for discharge to the wastewater facilities, the City shall do any or all of the following:

- (a) Require pretreatment to a condition acceptable for discharge to the wastewater sewers;
- (b) Require control over the quantities and rates of discharge;

- (c) Require payment to cover added cost of handling and treating the wastewaters not covered by existing fees or charges. However nothing herein shall be construed to allow any violation of any pretreatment standard or requirement.
 - (d) Require the development of compliance schedules to meet any applicable pretreatment requirements;
 - (e) Require the submission of reports necessary to assure compliance with applicable pretreatment standards and requirements;
 - (f) Carry out all inspection, surveillance and monitoring necessary to determine compliance with applicable pretreatment standards and requirements;
 - (g) Obtain remedies for noncompliance by any user. Such remedies may include injunctive relief, the civil penalties specified in Article III Section 34-62(d) of the City Code, or appropriate criminal penalties; or
 - (h) Reject the Wastewater if the City determines that the discharge may create unreasonable hazards or have unreasonable deleterious effects on the wastewater facilities.
- (2) When considering the above alternatives, the City shall assure that conditions of the City's VPDES permit are met. The City shall also take into consideration cost effectiveness and the economic impact of the alternatives on the discharger. If the City allows the pretreatment or equalization of wastewater flows, the installation of the necessary facilities shall be subject to the City's review. The City shall review and recommend any appropriate changes to a proposal submitted by an industrial user within one hundred twenty (120) days of submittal.
- (3) Where pretreatment or flow-equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner.
- (4) Monitoring Requirements. Discharges of wastewater to the City's wastewater facilities from the facilities of any user shall be monitored in accordance with the provisions of Section IX of these regulations.

Section XII, Excessive Discharge.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with pretreatment standards or requirements. (Ord. No. O-84-169, § 1, 6-26-84, eff. 6-30-84)

Section XIII, Notification of Hazardous Waste Discharge:

All Industrial Users shall notify the City, the EPA Regional Waste Management Division Director, and The Virginia Department of Environmental Quality in writing of any discharge into the City's sewers of a substance, which, if otherwise disposed of, would be hazardous waste under 40 C.F.R. Part 261, Such notification shall include the name of the hazardous waste as set forth in 40 C.F.R. Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than one hundred kilograms of such waste per calendar month, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User.

- (a) An identification of the hazardous constituents contained in the wastes.

(b) An estimation of the mass concentration of such constituents in the waste stream discharged during that calendar month.

(c) An estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve months.

All notifications must take place by the end of the calendar month following the effective date of these Regulations. Industrial Users who commence the discharging after the effective date of this provision shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, industrial users shall notify the City at least 15 days in advance of any substantial changes in the volume or character of such discharges. The notification requirement of this subsection does not apply to pollutants already reported under other self-monitoring requirements.

Industrial users are exempt from the foregoing requirements of this Section during a calendar month in which they discharged no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C. F. R. section 261.30(d) and section 261.33(e). discharge of more than 15 kilograms of non-acute hazardous waste in a calendar month, or any quantity of such acute hazardous wastes, requires a one time notification. Subsequent months during which the Industrial User discharges more than such quantities of such hazardous wastes do not require additional notification.

In the case of any new EPA regulations identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, Industrial Users must notify the City, the EPA Regional Waste Management Division Director, and The Virginia Department of Environmental Quality of the discharge of such substance within 90 Days of the effective date of such regulations.

In the case of any notification made pursuant to this Section, an Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree that it has determined to be economically practical.

Section XIV, Accidental Discharges and Slug Control Plans:

(a) Each Industrial user shall provide protection from accidental discharge of prohibited material or other substances regulated in these regulations. 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 procedures to provide these protections shall be submitted to the City for review if so requested by the City. The plans shall be submitted within a reasonable time as set by the City. No significant industrial user who commences contribution to the wastewater treatment facilities after the effective date of these regulations shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of these Regulations. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the City's wastewater treatment facility (847-1383) of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(b) Within five (5) days following an accidental discharge, the user shall submit to the City a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. 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 Wastewater Facilities, 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 Article III of the City ordinance or other applicable law.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of an accidental or slug discharge. Employers shall insure that all

employees, who may cause to occur or suffer such an accidental or slug discharge, are advised of the emergency notification procedure. (Ord. No. O-84-169, § 1, 6-26-84, eff. 6-30-84)

(d) The City shall evaluate, at least once every two years, whether each Significant Industrial User needs a plan to control slug discharges. For the purposes of this subsection a slug discharge is any discharge of a non-routine episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. The results of such activities shall be available to the City upon request. If the City's decides that a Slug Control Plan is needed, the significant Industrial User shall prepare and submit for the City's approval a plan and the plan shall be in accordance with these Regulations.

Any Industrial User required to develop a Slug Control Plan in accordance with these Regulations section shall submit such plan to the City upon request. Upon approval of the Slug Control Plan the plan shall be attached to an Industrial Discharge Permit and become an enforceable provision of the permit.

At a minimum, Slug Control Plans shall contain the following elements:

- (1) Description of discharge practices, including non-routine batch discharges.
- (2) Description of stored chemicals.
- (3) Procedures for immediately notifying the City of slug discharges, including any discharge that would violate a specific prohibition applicable to the user pursuant to a permit requirement, with procedures for follow-up written notification within five days.
- (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measure for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

Section XV, Non Compliance, Enforcement, and Right of Appeal.

- (1) Specific Definitions:

Noncompliance: An instance of user failure to comply with any provision of Article III of the City Ordinance, wastewater discharge permit, compliance schedule, reporting requirement, enforcement action, or any other requirement of these regulations.

Significant Noncompliance: Industrial user violation(s) meeting one or more of the following criteria.

- (a) Chronic violations of wastewater discharge permit limits, defined as those in which sixty-six percent 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 thirty-three percent 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 BOD, TSS, fats, oil, and grease, and 1.2 for all another pollutants except pH.)
- (c) Any other discharge violation that the City 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 the environment or has resulted in the POTW exercise of emergency authority 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 City 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, 90-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 City determines will adversely affect the operation or implementation of the local pretreatment program.

(2) Enforcement.

The City, as authorized under Article III Sec. 34-62 of the City Ordinance may pursue any of the following enforcement actions against industrial users determined to be in noncompliance with any of the provisions of the City Ordinance, Wastewater Discharge Permits, or these regulations.

- (a) Notice of Violation. Whenever the City finds that any user has violated or is violating these regulations, Article III of the City Ordinance, wastewater discharge permit, or any prohibition discharge limitation or requirements contained herein, the City shall serve upon such person a written notice stating the nature of the violation. Within ten- (10) business days of the date or, as required in the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user.
- (b) Consent Order. The City may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific actions such as compliance schedules to be taken by the user to correct the noncompliance within a time period specified by the document. Consent Orders may also specify voluntary monetary penalties to be collected against violations of the ordinance, these regulations or applicable Wastewater Discharge Permits. Such documents shall have the same force and effect as an Administrative Action issued pursuant to Section XV 2. (c) of these regulations.
- (c) Administrative Action. When the City finds that a user has violated, or continues to violate, any provision of City Ordinance, these regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the City shall issue an Administrative Action or enter into a Consent order as described in Section XV 2. (b) above, against the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be terminated unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Administrative Action may also contain other provisions to address noncompliance, as well as additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. An Administrative Action may not extend the deadline for compliance established for Pretreatment Standard or requirement, nor does an Administrative Action relieve the user of liability for any violation, including any continuing violation. Issuance of an Administrative Action shall not be a bar against, or a prerequisite for, taking any other action against the user

(d) Compliance Evaluation Meeting:

- (1) The City, or an industrial user subject to an enforcement action, may, upon written notification, initiate a Compliance Evaluation Meeting, where arguments shall be presented by the industrial user

detailing why a proposed enforcement action should not be taken. In the event a compliance Evaluation Meeting is called, a notification shall be delivered to the user specifying the time and place of the meeting, details of the violation, the reason why the action is to be taken, and the proposed enforcement action. The notification of the meeting shall be made on any agent or officer of a corporation or the Utilities Administrator.

(e) Suspension of water and/or wastewater service and/or wastewater discharge permit. The City may suspend water and/or wastewater treatment services or wastewater discharge permit when:

(1) When determined by the City, that an actual or threatened discharge presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the wastewater facilities, or causes the City to violate any condition of its VPDES Permit.

(2) A State or Federal agency informs the City that the effluent from the wastewater treatment plant is no longer of quality permitted for discharge into a State waters, and it is found that the customer is delivering wastewater to the City's wastewater facilities that cannot be sufficiently treated or requires treatment that is not provided by the City as normal domestic treatment.

(3) The customer:

(a) discharges industrial waste or wastewater exceeding the limit established by the City; or

(b) discharges wastewater at an uncontrolled, variable rate or in sufficient quantity to cause an interference or pass through in the wastewater facilities;

(c) fails to pay monthly bills for water, sanitary sewer services, or any sewer service charge, or surcharge when due;

(d) allows wastewater to continue to flow onto neighboring property.

(4) Any person notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the sewer connection, or City water supply, to prevent or minimize damage to the wastewater facilities or endangerment to any individuals. The City shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within fifteen (15) days of the date of the occurrence.

(f) Revocation of wastewater discharge permit. Any user who violates the following conditions or applicable state and federal regulations, is subject to having his wastewater discharge permit revoked:

(1) Failure of a user to accurately report the wastewater constituents and characteristics of his discharge;

(2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;

(3) Refusal of reasonable access to user's premises for the purpose of inspection or monitoring; or

(4) Violation of conditions of the wastewater discharge permit.

(g) Legal Action:

(1) If any person violates the provisions of this Article, Federal or State Pretreatment requirements, or any order or permit of the City, the Utility Administrator may make a recommendation to the City Attorney to commence an action for appropriate legal and/or equitable relief for such violation of the ordinance, the rules, regulation or permits issued thereunder, or federal or State Pretreatment Requirements.

(2) If an industrial user bans the City from access to pretreatment or wastewater sampling facilities, the City has the authority to seek an injunction against the industrial user.

(h) Civil Penalties. Any user who fails to comply with any provision of the City Ordinance and the orders, rules, regulations, and permits issued hereunder shall be fined as provided in the Ordinance, through a civil action in the courts of the Commonwealth not less than one hundred (\$100.00) dollars nor more than one thousand dollars (\$1000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulation and permits issued hereunder. (Ord. No. O-84-169, & 1, 6-26-84, eff. 6-30-84)

(i) Criminal Penalties. Any user who is found in a court of the Commonwealth to have willfully or negligently violated an order of the City or to have willfully or negligently failed to comply with any provision of the City Ordinance and the orders, rules, regulations and permits issued hereunder shall be guilty of a Class 2 misdemeanor.

(j) Public Notice. Any industrial users who were in significant noncompliance during any calendar year will have their names published in the largest daily newspaper in the service area with details of the nature of the violations.

(3) Right of Appeal Hearing:

Any Industrial User subject to an enforcement action pursuant to this section may, upon petition, present arguments before the Wastewater Board of Appeals why the enforcement action being taken is not warranted.

(1) The Wastewater Facilities Board of Appeals may itself conduct the hearing and take the evidence, or may designate the City's director of Public Works to assign a Public Works Department Employee(s) to:

(a) Issue in the name of the Wastewater Facilities Board of Appeals notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(b) Take the evidence;

(c) Transmit a report of the evidence and hearing, including notes on the meeting and other evidence, together with recommendations to the Wastewater Facilities Board of Appeals for action thereon.

(2) At any hearing held pursuant to this Section, testimony shall be recorded. The text of the hearing, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(3) The Wastewater Board of Appeals shall make all appropriate factual determinations based upon the evidence presented, shall decide the appeal, and shall either (1) uphold the enforcement action and the actions of the Utilities Administrator; or (2) reverse the enforcement action, stating the reasons therefore, and remand the matter to the Utilities Administrator for further action.

(4) Right to Decision by Court:

Nothing in these regulations shall be construed to prevent any user from pursuing relief through the appropriate legal court in response to enforcement actions taken within the provisions of the City ordinance or these regulations.