

Ordinance #



At a regular meeting of the Board of Supervisors of the County of Bedford, Virginia held at the Bedford County Administration Building on the 10<sup>th</sup> day of August 2015, beginning at 7:00 p.m.

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MEMBERS:

Tammy Parker, Chairman  
Steve Wilkerson, Vice-Chairman  
Bill Thomasson  
Curry Martin  
John Sharp  
Steve Arrington  
Annie S. Pollard

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VOTE:

On motion of Supervisor \_\_\_\_\_, which carried by a vote of \_\_\_\_\_, the following was adopted:

**An ordinance to amend Chapter 18 “Waters and Sewers”; specifically to replace and reenact Article I “In General”, Article II, “Establishment or Extension of Water or Sewerage System Serving Three or More Connections” and Article III “Industrial Wastes and Pretreatment” with Article I “Sewer Use”, Article II “Stormwater Discharges”, and Article III Cross-Connection Control and Backflow Prevention.”**

**BE IT HEREBY ORDAINED**, that the Board of Supervisors of the County of Bedford, Virginia, hereby amend Chapter 18 “Water and Sewer” to replace and reenact Articles I, II, and III with Article I “Sewer Use”, Article II “Stormwater Discharges”, and Article III Cross-Connection Control and Backflow Prevention.” Article IV “Conservation of Water” Section 18-98 is not being amended.

## Chapter 18 WATERS AND SEWERS

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**Sec. 18-1 GENERAL PROVISIONS**

**1.1 Purpose and Policy**

This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the Bedford Regional Water Authority (BRWA) and enables BRWA to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation,
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works,
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public,

D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

F. To enable BRWA to comply with its Virginia Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the programs established herein.

## **1.2 Administration**

Except as otherwise provided herein, the Executive Director of the BRWA, shall implement, administer, and enforce the provisions of this article. Any powers granted to or duties imposed upon the Executive Director may be delegated by the Executive Director to other BRWA personnel to insure the effective implementation of this article.

## **1.3 Abbreviations.**

The following abbreviations, when used in this article, shall have the designated meanings:

*BOD*: Biochemical oxygen demand.

*BMPs*: Best Management Practices

*BRWA*: The Bedford Regional Water Authority

*CFR*: Code of Federal Regulations.

*COD*: Chemical oxygen demand.

*EPA*: U.S. Environmental Protection Agency.

*FOG*: Fats, Oils, and Grease

*gpd*: Gallons per day.

*mg/l*: Milligrams per liter.

*NAICS*: North American Industry Classification System.

*NPDES*: National Pollution Discharge Elimination System

*O&M*: Operation and maintenance.

*POTW*: Publicly owned treatment works.

*RCRA*: Resource Conservation and Recovery Act.

*SIC*: Standard industrial classification.

*SIU*: Significant industrial user.

*TSS*: Total suspended solids.

*U.S.C.*: United States Code.

*VAC*: Virginia Administrative Code

*VPDES*: Virginia Pollutant Discharge Elimination System.

#### **1.4 Definitions.**

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

1) ***Act or the Act***: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

2) ***Approval Authority***: The Commonwealth of Virginia, Department of Environmental Quality

3) ***Authorized or Duly Authorized Representative of the User***:

(1) If the User is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship, a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to BRWA.

4) **Best Management Practices (BMPs):** These are management and operational procedures intended to prevent pollutants from entering a facility's wastestream or from reaching a discharge point. They are defined in 40 CFR 403.3(e) as schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general and specific prohibitions listed in sections 403.5(a)(1) and (b), as amended, and 9 VAC 25-31-770, as amended. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludges or waste disposal, or drainage from raw materials storage.

5) **Biochemical Oxygen Demand or BOD:** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees centigrade, usually expressed as a concentration (e.g., mg/l). The laboratory determination shall be made in accordance with the procedures set forth in 40 CFR 136.

6) **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 that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.

7) **Building Sewer:** That part of the drainage system that extends from the end of the building drain to a public sewer or other point of disposal.

8) **Capital Costs:** Costs of major rehabilitation, betterment, expansion, or upgrading required as facilities reach the end of their useful life.

9) **Capital Outlays:** Expenditures that result in the acquisition or addition to fixed assets.

10) **Categorical Pretreatment Standard or Categorical Standard:** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the act (33 U.S.C. § 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

11) **Chemical Oxygen Demand or 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.

12) **Collection System:** The system of public sewers to be operated by the Control Authority or other entities that collect wastewater and convey it to a treatment system.

13) **Collector Sewer Main:** A sewer main designated and constructed to receive sewage from the building connections or laterals and other collector sewers and carry it to an interceptor sewer or the point of disposal. A collector sewer normally serves only a portion of one drainage area or basin.

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

- 15) **Commercial User:** Includes any property occupied by a nonresidential establishment not within the definition of an "industrial user" and that is connected to the wastewater facilities, as defined in this section.
- 16) **Composite Sample:** A combination or resultant sample composed of individual samples of water or wastewater taken at selected intervals, for a specified period. The individual samples may be equal volume or proportional to flow at the time of sampling prior to compositing.
- 17) **Control Authority:** the Bedford Regional Water Authority
- 18) **Control Manhole:** A manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharge in the public sewer.
- 19) **Control Point:** A point of access to a source of discharge before the discharge mixes with other discharges in the public sewer.
- 20) **Domestic Sewage:** Waterborne wastes normally discharging from the sanitary conveniences of dwellings (including apartment buildings and hotels), office buildings, factories, and institutions, free from storm surface waters and industrial wastes.
- 21) **Environmental Protection Agency or EPA:** The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- 22) **Existing Source:** Any source of discharge that is not a New Source.
- 23) **Fats, Oils, and Grease (FOG):** Material, either liquid or solid, composed of fats, oils and grease from animal or vegetable sources. Examples of FOG include, but are not limited to, kitchen cooking grease, vegetable oil, bacon grease, or organic polar compounds derived from animal or plant sources that contain multiple carbon triglycerides molecules. These substances are detectable and measurable using analytical test procedures established in Title 40, Part 136 of the Code of Federal Regulations (40 CFR 136), as may be amended from time to time.
- 24) **Garbage:** The solid wastes and residue from animal and vegetables, resulting from the handling, storage, dispensing, preparation, cooking, and serving of foods.
- 25) **Governmental:** legislative, judicial, administrative, and regulatory activities of federal, state, and local governments.
- 26) **Grab Sample:** A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period not to exceed fifteen (15) minutes.
- 27) **Grantee:** A municipality that has executed a federal grant agreement.
- 28) **High Strength Wastewater:** Wastewater or sewage discharged into the public sewer that is not Normal Wastewater.
- 29) **Holding Tank Waste:** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tanks.
- 30) **Improvement:** Buildings, other structures, and other attachments or annexations to land which are intended to remain so attached or annexed, such as sidewalks, trees, drives, tunnels, drains, and sewers. Sidewalks, curbing, sewers, and highways are sometimes referred to as "betterments" but the term "improvements" is preferred.

31) **Incompatible Waste:** A waste that is not amenable to adequate treatment by the wastewater treatment plant.

32) **Indirect Discharge or Discharge:** The introduction of pollutants into the POTW from any nondomestic source regulated under section 307(b), (c), or (d) of the Act (33 USC 1317)

33) **Industrial Wastes:** All waterborne solids, liquid or gaseous wastes resulting from any industrial manufacturing, commercial, or food processing operation or process, or from the development of any natural resource, or any mixture of these with water or domestic sewage as distinct from domestic sewage.

34) **Infiltration:** Water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from inflow.

35) **Inflow:** Water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

36) **Instantaneous Maximum Allowable Discharge Limit:** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

37) **Institutional:** Social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions, and similar institutional users.

38) **Interference:** A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal. Therefore, it is a cause of a violation of the Control Authority's VPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the 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 Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

39) **Local Limits:** Specific discharge limits developed and enforced by the Control Authority upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b) as amended.

40) **Major Non- Significant Industrial User:** an Industrial User that has the potential to cause harm to the POTW, either by itself or in conjunction with other discharges.

41) **Medical Waste:** 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.

42) **Monthly Average.** The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

**43) Monthly Average Limit.** The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

**44) New Source:**

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that 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 an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility integrates 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.

(2) 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 of Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) 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.

**45) Noncontact Cooling Water.** Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

**46) Normal Wastewater.** Wastewater or sewage discharged into a public sewer in which average concentrations or values for the following parameters are not exceeded:

(a) BOD: 240 mg/l

(b) TSS: 240 mg/l

**47) North American Industry Classification System (NAICS):** A classification pursuant to the North American Industry Classification Manual issued by the United States Office of Management and Budget.

**48) NPDES permit:** A permit issued pursuant to the provisions of section 402 of the Act (33 USC 1432).

**49) Operation and Maintenance:** Those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed or constructed.

**50) Overload:** The imposition of organic or hydraulic loading on the Wastewater Treatment Plant in excess of its engineered design capacity.

**51) Parts Per Million:** A weight-to-weight ratio; parts per million value multiplied by the factor (8.345) shall be equivalent to pounds per million gallons of water.

**52) Pass Through:** A discharge which exits the POTW into state waters 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

**53) Permittee:** The Person holding a permit to discharge wastewater into a POTW.

**54) Person:** Any individual, partnership, co-partnership, 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 governmental entities.

**55) pH:** A measure of the acidity or alkalinity of a solution, expressed in standard units (S.U.).

**56) Pollutant:** Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

**57) Pretreatment:** The reduction in the quantity of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; by Best Management Practices; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

**58) Pretreatment Program:** Any internal administrative program (such as FOG, Backflow Prevention, etc.) or approved regulatory program established and implemented by the BRWA that meets the requirements and criteria of the applicable federal and state pretreatment regulations and which has been approved by the Approval Authority.

**59) Pretreatment Requirements:** Any substantive or procedural requirement related to Pretreatment imposed on a User, other than a Pretreatment Standard.

**60) Pretreatment Standards or Standards:** Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits

**61) Prohibited Discharge Standards or Prohibited Discharges:** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 18-2, Subsection 2.1 of this article.

**62) Publicly Owned Treatment Works or POTW:** A "treatment works," as defined by section 212 of the Act (33 U.S.C. § 1292). This article will affect discharges into several different treatments works having different owners. Local limits are defined elsewhere in this article and may vary from site to site. This definition includes any devices or systems 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 a treatment plant.

**63) Sanitary Sewer:** Any sewer that carries sewage from residences, commercial buildings, industrial plants or institutions and to which ground water, stormwater, and surface water are not intentionally admitted.

**64) Septic Tank Waste:** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

**65) Sewage:** Human excrement (water carried waste) and gray water (liquid waste from household showers, dishwashing operations, etc.).

**66) Shall:** Is mandatory. **May:** Is permissive.

**67) Significant Industrial User (SIU):**

Except as provided in paragraphs (3) and (4) of this subsection 67, a Significant Industrial User is:

(1) An Industrial User subject to categorical Pretreatment Standards; or

(2) An Industrial User that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW; or

(c) Is designated as such by the Control Authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

(3) The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(a) The Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(b) The Industrial User annually submits the certification statement required in Section 18-6, Subsection 6.14 (see 40 CFR 403.12(q)), together with any additional information necessary to support the certification statement; and

(c) The Industrial User never discharges any untreated concentrated wastewater.

(4) Upon a finding that an Industrial User meeting the criteria in paragraph (2) of this Subsection 67 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 procedures in 40 CFR 403.8(f) (6), determine that such User should not be considered a Significant Industrial User.

**68) Significant Non-Compliance (SNC):** An Industrial User is in Significant Non-Compliance if its violation meets one (1) or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined herein as those in which sixty-six (66) percent or more of all measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l) (or 9 VAC 25-31-10);

(b) Technical Review Criteria (TRC) violations, defined here as those in which 33 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 numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l) (or 9 VAC 25-31-10) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (or 9 VAC 25-31-10), daily maximum, long term average, instantaneous limit, or narrative standard) that the Control Authority and the POTW 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 to halt or prevent such a discharge:

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

(f) Failure to provide within 45 days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic monitoring reports, and/or reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s) that may include a violation of Best Management Practices, which the Control Authority determines, will adversely affect the operation or implementation of the local Pretreatment Program..

**69) *Slug Load or Slug:*** Any discharge at a flow rate or concentration, which could cause a violation of the Prohibited Discharge Standards in Section 18-2, Subsection 2.1 of this ordinance. 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, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

**70) *Standard Industrial Classification (SIC) Code:*** A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

**71) *Storm Sewer or Storm Drains:*** A sewer, which carries stormwater and surface water and drainage

**72) *Stormwater:*** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

- 73) Surcharge:** the charge in addition to the published water and sewer rates. The basis for surcharges on industrial wastes is capital and operating cost for, including but not limited to, suspended solids, and BOD exceeding "Normal Wastewater."
- 74) Total Suspended Solids (TSS):** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which, following the methods defined in 40 CFR 136, will not pass through a standard glass fiber filter.
- 75) Toxic Pollutant:** Any pollutant or combination of pollutants listed as a toxic in regulations promulgated by the administrator of the Environment Protection Agency under the provisions of CWA section 307(a) or other acts.
- 76) User or Industrial User:** A source of indirect discharge.
- 77) VPDES:** Virginia Pollutant Discharge Elimination System permit program as administered by the Commonwealth of Virginia.
- 78) Wastewater:** Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- 79) Wastewater Treatment Plant or Treatment Plant (WWTP):** That portion of the POTW, which is designed to provide treatment of municipal sewage and industrial waste

## **Sec. 18-2. GENERAL SEWER USE REQUIREMENTS**

### **2.1 Prohibited discharge standards.**

- (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 User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (60°C) using the test methods specified in 40 CFR 261.21 (2005);
  - (2) Wastewater having a pH which is outside the limits established at the POTW receiving the wastewater, but in no case discharges with pH lower than 5.0 or greater than 12.5 or otherwise causing corrosive structural damage to the POTW or equipment;
  - (3) Solid or viscous substances in quantities or sizes, which will cause obstruction of the flow in the POTW resulting in interference.
  - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW(s);
  - (5) Wastewater having a temperature greater than one hundred fifty (150) degrees Fahrenheit (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the

introduction into the treatment plant to exceed one hundred four (104) degrees Fahrenheit (40°C);

- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- (7) Pollutants that 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;
- (8) Trucked or hauled pollutants, except at discharge points designated by the Control Authority in accordance with this article.
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color, as determined by spectrophotometric method 204B, Standard Methods, or the latest approved method for industrial wastewater determinations, which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the plant's VPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, and noncontact cooling water, unless specifically authorized by the Control Authority;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes, except as specifically authorized by the Control Authority in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test
- (16) Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW;
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than the limits specified in Appendix A.

Pollutants, wastewater, and any other specific substances prohibited with respect to each POTW or by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

## 2.2 National Categorical Pretreatment Standards.

The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- (1) Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Control Authority may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

- (2) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the Control Authority shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- (3) A User may obtain a variance from a categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (4) A User may obtain a net gross adjustment to a categorical Pretreatment Standard in accordance with 40 CFR 403.15.

### 2.3 State Pretreatment Standards

Users must comply with State Pretreatment Standards codified at 9 VAC 25-31-770 et seq...

### 2.4 Local Limits

The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater that is outside of the allowable discharge limits for the particular Wastewater Treatment Plant that receives and treats said discharges. The limits established herein are unique for each Wastewater Treatment Plant and may be subject to administrative change as required by the DEQ or EPA. Please refer to Appendix A for the specific limits that are unique to each Wastewater Treatment Plant. The above limits apply at the point where the wastewater is discharged to the collection system. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Control Authority may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

### 2.5 Control Authority's Right of Revision

The Control Authority reserves the right to establish, by article or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW that provides treatment.

### 2.6 Dilution

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 a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Control Authority may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases when the imposition of mass limitations is appropriate

## Section 18-3 PRETREATMENT OF WASTEWATER

### 3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 18-2, Subsection 2.1 of this ordinance within the time limitations specified by EPA, the State, or the Control Authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Control Authority for review, and shall be acceptable to the Control Authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Control Authority under the provisions of this ordinance.

When required by the Control Authority, a Significant Industrial User shall install a suitable control manhole or sampling box, sampling chamber and flow measurement device to facilitate observation, sampling and measurement of wastestream. Such facilities shall meet the requirements of applicable local code and ordinances. Plans and specifications for such facilities shall be submitted to the Control Authority for approval 60 days after receiving notification from the Control Authority of the requirement. The facilities shall be constructed and in operation within 120 days after the approval of the plans and specifications. Failure to comply with the time schedules detailed in this section will result in the Control Authority's rejection of the wastewater for treatment at the Wastewater Treatment Plant by terminating service or other means deemed appropriate by the Control Authority.

### 3.2 Additional Pretreatment Measures

- (a) Whenever deemed necessary, the Control Authority may require Industrial Users to restrict their discharge to during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the Industrial User's compliance with the requirements of this article.
- (b) The Control Authority may require any Person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Control Authority, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Control

Authority and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the User at their expense.

- (d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

### 3.3 Accidental Discharge/Slug Discharge Control Plans

The Control Authority shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Control Authority may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Control Authority may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Control Authority of any accidental or Slug Discharge, as required by Section 18-6, Subsection 6.6 of this ordinance; and
- D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, 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, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

### 3.4 Hauled Wastewater

Hauled wastewater may be accepted into the POTW. If so, the following conditions shall apply:

- a. Septic tank waste shall be introduced into the POTW only at locations designated by the Control Authority, and at such times as are established by the Control Authority. Such waste shall not violate Section 18-2 of this ordinance or any other requirements established by the Control Authority. The Control Authority may require septic tank waste haulers to obtain individual wastewater discharge permits
- b. The Control Authority may require haulers of industrial waste to obtain individual wastewater discharge permits. The Control Authority may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The Control Authority

also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

c. Industrial waste haulers shall discharge loads only at locations designated by the Control Authority. No load may be discharged without prior consent of the Control Authority. The Control Authority may collect samples of each hauled load to ensure compliance with applicable Standards. The Control Authority may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

d. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes

## Sec. 18-4. INDIVIDUAL WASTEWATER DISCHARGE PERMITS

### 4.1 Wastewater Analysis

When requested by the Control Authority, a User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Control Authority is authorized to prepare a form for this purpose and may periodically require Users to update this information.

### 4.2 Individual Wastewater Discharge Permit Requirement

A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Control Authority, except that a Significant Industrial User that has filed a timely application pursuant to Section 18-4, Subsection 4.3 of this ordinance may continue to discharge for the time period specified therein.

B. The Control Authority may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this ordinance.

C. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 18-10, 18-11, and 18-12 of this ordinance. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

### 4.3 Individual Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Control Authority for an individual wastewater discharge permit in accordance with Section 18-4, Subsection 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit issued by the Control Authority.

#### 4.4 Individual Wastewater Discharge Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit, who proposes to begin or recommence discharging into the POTW, must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with Section 18-4, Subsection 4.5 of this ordinance, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

#### 4.5 Individual Wastewater Discharge Permit Application Contents

A. All Users required to obtain an individual wastewater discharge permit must submit a permit application. The Control Authority may require Users to submit all or some of the following information as part of a permit application:

(1) Identifying Information.

- a. The name and address of the facility, including the name of the operator and owner.
- b. Contact information, description of activities, facilities, and plant production processes on the premises;

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations.

- a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and Standard Industrial Classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
- b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- c. Number and type of employees, hours of operation, and proposed or actual hours of operation;

- d. Type and amount of raw materials processed (average and maximum per day);
- e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(4) Time and duration of discharges;

(5) The location for monitoring all wastes covered by the permit;

(6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 18-2, Subsection 2.2(3) (referencing 40 CFR 403.6(e)).

(7) Measurement of Pollutants.

- a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
- b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Control Authority, of regulated pollutants in the discharge from each regulated process.
- c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
- d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 18-6, Subsection 6.10 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard.
- e. Sampling must be performed in accordance with procedures set out in Section 18-6, Subsection 6.11 of this ordinance.

(8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 18-6, Subsection 6.4 (B) (referencing 40 CFR 403.12(e)(2)).

(9) Any other information as may be deemed necessary by the Control Authority to evaluate the permit application.

B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

#### 4.6 (Reserved)

#### 4.7 Application Signatories and Certifications

A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User (see definition in Section 18-1, Subsection 1.4-3) and contain the certification statement in Section 18-6, Subsection 6.14(A).

B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Control Authority prior to or together with any reports to be signed by an Authorized Representative.

A facility determined to be a Non-Significant Categorical Industrial User by the Control Authority pursuant to Section 18-1, Subsection 1.4 (67)(3) must annually submit the signed certification statement in Section 18-6, Subsection 6.14(B).

#### 4.8 Individual Wastewater Discharge Permit Decisions

The Control Authority will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete permit application, the Control Authority will determine whether to issue an individual wastewater discharge permit. The Control Authority may deny any application for an individual wastewater discharge permit

### Sec. 18-5. INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE

#### 5.1 Individual Wastewater Discharge Permit Duration

An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Control Authority. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

#### 5.2 Individual Wastewater Discharge Permit Contents

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Control Authority to prevent Pass Through or Interference, protect

the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Individual wastewater discharge permits must contain the following:

- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the Control Authority in accordance with Section 18-5, Subsection 5.5 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- (5) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (6) Requirements to control Slug Discharge, if determined by the Control Authority to be necessary

B. Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(7) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit;

(8) The Control Authority shall provide public notice of the issuance of a wastewater discharge permit. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted. Any person, including the User, may petition the Control Authority to reconsider the terms of a wastewater discharge permit within thirty (30) days of receipt of its issuance.

(a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(b) In its petition, the appealing party must indicate the individual wastewater discharge permit, provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit.

(c) The effectiveness of the individual wastewater discharge permit shall not be stayed pending the appeal.

(d) If the Control Authority fails to act within forty-five (45) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit, not to issue an individual wastewater discharge permit, or not to modify an individual wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(9) Other conditions as deemed appropriate by the Control Authority to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

### 5.3 (Reserved)

### 5.4 Permit Modification

The Control Authority may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the Control Authority's POTW, personnel, the receiving waters; or to the POTW's beneficial sludge use.
- (5) Violation of any terms or conditions of the individual wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13 and 9 VAC 25-31-850;
- (8) To correct typographical or other errors in the individual wastewater discharge permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 18-5, Subsection 5.5.

#### 5.5 Individual Wastewater Discharge Permit Transfer

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Control Authority and the Control Authority approves the individual wastewater discharge permit transfer. The notice to the Control Authority must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

#### 5.6 Individual Wastewater Discharge Permit Revocation

The Control Authority may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Control Authority of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Control Authority of changed conditions pursuant to Section 18-6, Subsection 6.5 of this ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Control Authority timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.

Individual wastewater discharge permits shall be voidable, at the Control Authority's discretion, upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are deemed void upon the issuance of a new individual wastewater discharge permit to that User.

#### 5.7 Individual Wastewater Discharge Permit Reissuance

A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 18-4, Subsection 4.5 of this ordinance, a minimum of one hundred eighty (180) days prior to the expiration of the User's existing individual wastewater discharge permit.

## 5.8 Regulation of Waste Received from Other Jurisdictions

A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Control Authority shall enter into an intermunicipal agreement with the contributing municipality.

B. Prior to entering into an agreement required by paragraph A, above, the Control Authority shall request the following information from the contributing municipality:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and

(3) Such other information as the Control Authority may deem necessary.

C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 18-2, Subsection 2.4 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the municipality's ordinance or Local Limits;

(2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Control Authority; and which of these activities will be conducted jointly by the contributing municipality and the Control Authority;

(4) A requirement for the contributing municipality to provide the Control Authority with access to all information that the contributing municipality obtains as part of its pretreatment activities;

- (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing municipality's discharge;
- (7) A provision ensuring the Control Authority access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Control Authority; and
- (8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

D. Where the contributing municipality has primary responsibility for permitting, compliance monitoring, or enforcement, the intermunicipal agreement should specify that the municipality in which the POTW is located has the right to take action to enforce the terms of the contributing municipality's ordinance or to impose and enforce Pretreatment Standards and Requirements directly against dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.

## Sec. 18-6. REPORTING REQUIREMENTS

### 6.1 Baseline Monitoring Reports

Users that become subject to new or revised categorical Pretreatment Standards are required to comply with the following reporting requirements even if they have been designated as Non-Significant Categorical Industrial Users.

A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to a Control Authority POTW shall submit to the Control Authority a report which contains the information listed in paragraph B, below. 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 Control Authority a report which contains the information listed in paragraph B, below. 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.

B. Users described above shall submit the information set forth below.

(1) All information required in Section 18-4, Subsections 4.5A (1) (a), 4.5A (2), 4.5A (3) (a), and 4.5A (6).

(2) Measurement of pollutants.

- a. The User shall provide the information required in Section 18-4, Subsection 4.5 A (7) (a) through (d).
- b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
- c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
- d. Sampling and analysis shall be performed in accordance with Section 18-6, Subsection 6.10;
- e. The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 18-1, Subsection 1.4(C) and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 18-6, Subsection 6.2 of this ordinance.

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 18-6, Subsection 6.14 A of this ordinance and

signed by an Authorized Representative as defined in Section 18-1, Subsection 1.4(C).

## 6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 18-6, Subsection 6.1(B)(4) of this ordinance:

- A. The schedule shall contain progress increments 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 (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The User shall submit a progress report to the Control Authority no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Control Authority.

## 6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

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 POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Control Authority a report containing the information described in Section 18-4, Subsections 4.5A(6) and (7), and Section 18-6, Subsection 6.1(B)(2) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 18-2, Subsection 2.2 ( See 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 of 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 Section 18-6, Subsection 6.14 A of this ordinance. All sampling will be done in conformance with Section 18-6, Subsection 6.11.

## 6.4 Periodic Compliance Reports

All SIUs are required to submit periodic compliance reports even if they have been designated a Non-Significant Categorical Industrial User under the provisions of Section 18-6, Subsection 6.4 C.

A. Except as specified in Section 18-6, Subsection 6.4.C, all Significant Industrial Users must, at a frequency determined by the Control Authority submit no less than twice per year (on dates specified) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User.

B. The Control Authority may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. (9 VAC 25-31-840 E.2)  
This authorization is subject to the following conditions:

(1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

(2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 18-4, Subsection 4.5A(8).

(3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(4) The request for a monitoring waiver must be signed in accordance with Section 18-1, Subsection 1.4C, and include the certification statement in Section 18-1, Subsection 6.14 A (40 CFR 403.6(a)(2)(ii)).

(5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with

the lowest minimum detection level for that pollutant was used in the analysis.

(6) Any grant of the monitoring waiver by the Control Authority must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Control Authority for 3 years after expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision of the User's permit by the Control Authority, the Industrial User must certify on each report with the statement in Section 18-6, Subsection 6.14 C below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 18-6, Subsection 6.4 A, or other more frequent monitoring requirements imposed by the Control Authority, and notify the Control Authority.

(9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

C. The Control Authority may reduce the requirement for periodic compliance reports [see Section 18-6, Subsection 6.4 A (40 CFR 403.12(e)(1))] to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the EPA/State, where the Industrial User's total categorical wastewater flow does not exceed any of the following:

(1) Twenty thousand(20,000) gallons per day, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches

(2) 0.01 percent of the design dry-weather organic treatment capacity of the POTW]; and

(3) 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed in accordance with Section 2.4 of this ordinance.

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 18-9 of this ordinance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the

Control Authority, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

D. All periodic compliance reports must be signed and certified in accordance with Section 18-6, Subsection 6.14 A of this ordinance.

E. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

F. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority, using the procedures prescribed in Section 18-6, Subsection 6.11 of this ordinance, the results of this monitoring shall be included in the report.

## 6.5 Reports of Changed Conditions

Each User must notify the Control Authority of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

A. The Control Authority may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 18-4, Subsection 4.5 of this ordinance.

B. The Control Authority may issue an individual wastewater discharge permit under Section 18-5, Subsection 5.7 of this ordinance or modify an existing wastewater discharge permit under Section 18-5, Subsection 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.

(1) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty (20) percent or greater; and the discharge of any previously unreported pollutants.

## 6.6 Reports of Potential Problems

(A) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, Users shall immediately telephone and notify the Control Authority and the POTW of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, time potential problematic

discharge began, and corrective actions taken by the User. An example of the phone message is as follows:

“My name is \_\_\_\_\_ from Bedford Company, located at 1036 USA Boulevard, Bedford. I am calling to report an accidental spill discharge of approximately \_\_\_\_\_gallons of \_\_\_\_\_. The facility has taken immediate action to stop (or minimize) the discharge by (describe actions taken). The facility will be following up this notification with a written report within the next five days.”

(B) Within five (5) days following such discharge, the User shall, unless waived by the Control Authority, submit a detailed written report describing the cause(s) 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 POTW, natural resources, or any other damage to person or property, nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this article.

(C) 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 discharge described in paragraph (A) above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

#### 6.7 Reports from Unpermitted Users

All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Control Authority as the Control Authority may require.

#### 6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Control Authority within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the Control Authority performs sampling at the User's facility at least once a month, or if the Control Authority performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Control Authority receives the results of this sampling, or if the Control Authority has performed the sampling and analysis in lieu of the Industrial User.

#### 6.9 Notification of the Discharge of Hazardous Waste

A. Any User who commences the discharge of hazardous waste 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. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Section 18-6, Subsections 6.1, 6.3, 6.4 of this ordinance.

B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

C. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Control Authority, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

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

E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

## 6.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques

prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Control Authority or other parties approved by EPA.

#### 6.11 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

A. Except as indicated in Paragraphs B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 18-6, Subsections 6.1 and 6.3 (referencing 40 CFR 403.12(b) and (d)), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control Authority may authorize a lower minimum. For the reports required by Section 18-6, Section 6.4 (referencing 40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

#### 6.12 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

### 6.13 Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 18-2, Subsection 2.4 C. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Control Authority, or where the User has been specifically notified of a longer retention period by the Control Authority.

### 6.14 Certification Statements

A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 18-4, Subsection 4.7; Users submitting baseline monitoring reports under Section 18-6, Subsection 6.1 B (5); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 18-6, Subsection 6.3; Users submitting periodic compliance reports required by Section 18-6, Subsection 6.4 A through D, and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 18-6, Subsection 6.4B(4). The following certification statement must be signed by an Authorized Representative as defined in Section 18-1, Section 1.4 C:

“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.”

B. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by [the Superintendent]

pursuant to Section 18-1, Subsection 1.4 67(3) and Section 18-4, Subsection 4.7 C must annually submit the following certification statement signed in accordance with the signatory requirements in Section 18-1, Subsection 1.4 C. This certification must accompany an alternative report required by the Control Authority:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [months, days, year]:

(a) The facility described as \_\_\_\_\_

[facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 18-1, Subsection 1.4 67 (3);

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and

(c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.”

This compliance certification is based on the following information.

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#### C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 18-6, Subsection 6.4 B must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 18-6, Section 6.4.A.”

## Sec. 18-7. COMPLIANCE MONITORING

### 7.1 Right of Entry: Inspection and Sampling

The Control Authority shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the Control Authority ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Control Authority shall be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Control Authority shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

C. The Control Authority may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Control Authority and shall not be replaced. The costs of clearing such access shall be born by the User.

E. Unreasonable delays in allowing the Control Authority access to the User's premises shall be a violation of this ordinance.

F. The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities should be provided in accordance with the Control Authority's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the Control Authority to perform independent monitoring activities.

### 7.2 Search Warrants

If the Control Authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine

inspection and sampling program of the Water Authority designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Water Authority may seek issuance of a search warrant from **the** Circuit Court of Bedford County.

#### Sec. 18-8. CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the Control Authority's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Control Authority, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, 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 immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

#### Sec. 18-9. PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Control Authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) 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 the public or to the environment, or has resulted in the Control Authority's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

## Sec. 18-10 ADMINISTRATIVE ENFORCEMENT REMEDIES

### 10.1 Notification of Violation

When the Control Authority finds that a User has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may take such steps as dictated by each POTW's Enforcement Response Plan (ERP) to notify said User and effect an appropriate correction and remediation of the violation. Within the specified number of days of the receipt of this notice (said time shall be in accordance with respective POTW's ERP) an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Control Authority. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Control Authority to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

### 10.2 Consent Orders

The Control Authority may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for

noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Section 18-10, Subsections 10.4 and 10.5 of this article and shall be judicially enforceable.

### 10.3 Show Cause Hearing

The Control Authority may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Control Authority and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least thirty (30) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 18-1, Subsection 1.4 C and required by Section 18-4, Subsection 4.7 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

### 10.4 Compliance Orders

When the Control Authority finds that a User has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may issue an order to 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 discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

### 10.5 Cease and Desist Orders

When the Control Authority finds that a User has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Control Authority may issue an order to the User directing it to cease and desist all such violations and directing the user to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### 10.6 Administrative Fines

1. When the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may fine such User in an amount not to exceed \$2,500 per day; such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
2. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one-half percent (1.5%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.
3. Users desiring to dispute such fines must file a written request for the Control Authority to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. Where a request has merit, the Control Authority may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Control Authority may add the costs of preparing administrative enforcement actions, such as notices, legal fees, and orders, to the fine.
4. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User

#### 10.7 Emergency Suspensions

The Control Authority may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Control Authority may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

Any User notified of a suspension of its right to discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the

suspension order, the Control Authority may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individual. The Control Authority may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Control Authority that the period of endangerment has passed, unless termination proceedings are initiated against the User.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 18-10, Subsection 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Control Authority shall not be a bar to, or a prerequisite for, taking any other action against the User.

## Sec. 18-11 JUDICIAL ENFORCEMENT REMEDIES

### 11.1 Injunctive Relief

When the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may petition the Bedford County Circuit Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User. The Control Authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

### 11.2 Civil Penalties

- A. A User who has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Control Authority for a maximum civil penalty of two thousand five hundred dollars (\$2,500.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Control Authority may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by Control Authority.
- C. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's

violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

### 11.3 Criminal Prosecution

A. A User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a Class 2 misdemeanor, punishable by a fine of not more than \$1000.00 per violation, per day, or imprisonment for not more than six months, or both.

B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a Class 2 misdemeanor, punishable by a fine of not more than \$1000.00 per violation, per day, or imprisonment for not more than six months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be guilty of a Class 2 misdemeanor, punishable by a fine of not more than \$1000.00 per violation, per day, or imprisonment for not more than six months, or both.

D. In the event of a second conviction, a User shall be punished be guilty of a Class 1 misdemeanor, punishable by a fine of not more than \$2500.00 per violation, per day, or imprisonment for not more than 1 year, or both.

### 11.4 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Control Authority may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the specific POTW's Enforcement Response Plan. However, the Control Authority may take other action against any User when the circumstances warrant. Further, the Control Authority is empowered to take more than one enforcement action against any noncompliant User.

### Sec. 18-12 SUPPLEMENTAL ENFORCEMENT ACTION

## 12.1 Performance Bonds

The Control Authority may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the Bedford Regional Water Authority, in a sum not to exceed a value determined by the Control Authority to be necessary to achieve consistent compliance.

## 12.2 Liability Insurance

The Control Authority may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

## 12.3 Payment of Outstanding Fees and Penalties

The Control Authority may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder.

## 12.4 Water Supply Severance

Whenever a User has violated or continues to violate any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

## Sec. 18-13 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

### 13.1 Upset

A. For the purposes of this Section, "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.

C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the User can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The User has submitted the following information to the Control Authority within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:

(a) A description of the indirect discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

### 13.2 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Subsection 18-2, Subsection 2.1(A) of this ordinance or the specific prohibitions in Subsection 18-2, Subsections 2.1(B)(3) through (17) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

A. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the POTW was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

### 13.3 Bypass

A. For the purposes of this Section,

(1) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.

(2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Subsection.

C. Bypass Notifications

(1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, at least ten (10) days before the date of the bypass, if possible.

(2) A User shall submit oral notice to the Control Authority of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass

(1) Bypass is prohibited, and the Control Authority may take an enforcement action against a User for a bypass, unless

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

- (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- (c) The User submitted notices as required under paragraph (C) of this Subsection.
- (2) The Control Authority may approve an anticipated bypass, after considering its adverse effects, if the Control Authority determines that it will meet the three conditions listed in paragraph (D)(1) of this Subsection.

## Sec. 18-14 MISCELLANEOUS PROVISIONS

### 14.1 Pretreatment Charges and Fees

The Control Authority may adopt reasonable fees for reimbursement of costs of setting up and operating the Control Authority's Pretreatment Program, which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals;
- E. Fees to recover administrative and legal costs (not included in Section 18-14, Subsection 14.1 B) associated with the enforcement activity taken by the the Control Authority to address IU noncompliance; and
- F. Other fees as the Control Authority may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the Control Authority.
- G. User charges and strong waste surcharges. For the Central WWTP:
  - (a) It is the purpose of User charges and strong waste surcharges established in accordance with this article to generate revenues for the operation of the POTW and its associated collection system. It is further the purpose of these charges to collect these revenues from the User in proportion to the benefits that each User receives.

(b) In determining the annual expenses to operate and maintain the Control Authority's Central WWTP and collection system the Control Authority shall include, but not be limited to, employee salaries, insurance, and fringe benefits; maintenance supplies; power and fuel; wastewater treatment chemicals; contracted professional engineering, laboratory, and legal services; facility and equipment replacement costs; debt service including principal, interest, and reserve; and facility and equipment repairs. To determine the annual revenue requirement, the Control Authority shall also consider facility improvements covered by debt financing.

(c) To allocate revenues for the operation and maintenance of the Control Authority's Central wastewater collection system and WWTP, the Control Authority shall follow the general principles outlined below:

(1) Operation and maintenance expenses are primarily related to the volume and strength of the wastewater received. These costs should be recovered from the current Users of the system. Where all wastewater is the same strength, the costs shall be directly related to volume. Where wastewater varies in strength, the difference in strength shall be considered when allocating costs.

(2) Annual expenses for the collection system are primarily related to volume. Therefore that portion of the User charge for the collection system shall be based upon volume, or flow rate.

(3) Annual expenses for the treatment facility are related to volume and wastewater strength, with the strength based on BOD<sub>5</sub>, suspended solids, oil & grease, and COD. User charges and surcharges will incorporate these factors.

(4) The User charge will be reviewed annually in accordance with the procedures outlined in this section.

(5) Surcharges will be calculated upon that portion of wastewater strength exceeding the normal concentration of wastewater. The existing surcharge ranges at the Central WWTP and the Lynchburg WWTP can be found in Appendix A of this ordinance. The calculated difference between sample analysis and the normal range multiplied by the cost factor associated with each parameter multiplied by the volume of discharge will determine a User's surcharge amount.

(6) Any User who feels his User charge is unjust and inequitable may make written application to the administrator requesting a surcharge review. Said written request shall, where necessary, show the actual or estimated average flow and/or

strength of his wastewater in comparison with the values upon which the charge was based, including how the measurements or estimates were made.

(7) Review of the request shall be made by the Control Authority and if substantiated, the User charges for that User shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing period.

#### 14.2 Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

#### Sec. 18-15 Effective Date

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

#### Sec. 18-16

#### APPENDIX A

#### SPECIFIC LIMITS APPLICABLE TO EACH WASTEWATER FACILITY

Parameter mg/L unless noted	Central WWTP Daily Max. (Surcharge Range in the Town of Bedford)	Lynchburg Regional WWTP
pH range (SU)	5.5 – <u>12.5</u>	5 – No upper limit
BOD	1000 (300—1000)	300 (surcharge on anything greater)
COD	2000 (1000—2000)	
TSS	1000 (350—1000)	400 (surcharge on anything greater)
Oil & Grease	350 (100—350)	<u>&lt;100</u>
Ammonia	100	

The limits unique to each revised from time to circumstances

Total Cadmium	0.0691	
Total Copper	0.2384	
Total Mercury	0.0004	
Total Nickel	1.0051	
Total Zinc	<u>0.3935</u>	
Total Phosphorus		<u>&lt;15</u>
Nitrogen Kjeldahl		<u>&lt;18</u>
Lead	0.0938	

shown below are facility and may be administratively time as warrant;



**Secs. 18-17 through 18-40 (RESERVED)**

**Article II STORMWATER DISCHARGES**

**Sec. 18-41 Discharge of storm water and other drainage.**

No person shall discharge into public sanitary sewers:

- (a) Storm water, surface water, groundwater, roof runoff or subsurface drainage.
- (b) Other drainage.

**Sec. 18-42. – Purpose**

It is the policy of this county and the purpose of this ordinance to establish a separate procedure for the enforcement of the Sewer Use Ordinance (Article I of Chapter 18 of the Bedford County Code) arising from the actual or potential illegal discharge of storm water, surface water, groundwater, roof runoff or subsurface drainage into the public sanitary sewer system. The inflow or infiltration of storm water into the public sewer system constitutes a direct threat to public health, safety and welfare, since the discharge or infiltration overloads the public sewer system, thereby causing sewer overflows and sewer backups into homes and businesses. This discharge or infiltration increases the cost and expense to all sewer users and all county citizens, since overloads to the sewer system results in higher operating costs at the regional sewage treatment plant and higher capital costs for expansions of the public sewer system.

**Sec. 18-43. – Determination by Administrator.**

- (a) The administrator, or his designee, shall be vested with the authority and responsibility to enforce the provisions of this ordinance and to make determinations with respect to the actual or potential illegal or improper discharge, inflow or infiltration of storm water, surface water, groundwater, roof runoff or subsurface drainage into the public sanitary sewer system.
- (b) A determination with respect to an actual or potential illegal or improper discharge, inflow or infiltration of storm water, surface water, groundwater, roof runoff or subsurface drainage into the public sanitary sewer system from the property sewer user or any other person shall be based upon the following:
  - (1) “Category I defects” are defined as:
    - a. Direct connections (inflow) to the public sewer of sump pumps (including overflow), holes in the floor drains, downspouts, foundation drains, and other direct sources of inflow (including but not limited to visible evidence of

ground/surface water entering drains through doors or cracks in the floor and walls) as noted during field inspection by the BRWA.

1. Sump pumps shall not receive unpolluted water from any outside sources, such as washing machines, laundry tubs, floor drains, or any other source, and be allowed to pump these outside sources back into the public sanitary sewer system, unless approved by the administrator, or his designee.

b. Failure to allow or complete required inspection(s) to determine compliance.

(2)“Category II defects” are defined as leaking or sheared laterals or any other sources of infiltration as noted during field inspections by the BRWA.

(3)“Category III defects” are considered to be potential or minor defects that do not adversely affect the sanitary sewer system at the present time.

(c) The administrator, or his designee, shall provide written notice by certified mail to the user, property owner or other responsible person of any violation of this ordinance or of Section 18-16 of this Code. The notice shall describe the nature of the violation, the corrective measures necessary to achieve compliance, the time period for compliance, the amount of monthly surcharge until corrected, and the appeals process.

#### **Sec. 18-44. – Surcharge; disconnection.**

(a) For structures or property with actual or potential discharge, considered to be a Category I defect, the sewer user, property owner or other responsible person shall be given six (6) months to correct the illegal or improper activities or facilities contributing to the discharge, infiltration or inflow into the public sanitary sewer system. If corrective measures to eliminate the illegal or improper discharge, infiltration or inflow into the public sanitary sewer system are not completed and approved by the administrator, or his designee, within six (6) months from the date of the notice provided in section 18-42.2(c), then the BRWA shall impose upon the sewer user, property owner or other responsible person a monthly surcharge in the amount of one hundred dollars (\$100.00) per month until the required corrective measures are completed and approved. If the property owner or responsible party fails to pay the monthly surcharge when due and payable, then the BRWA shall terminate the water and sewer connections and service to the property, and disconnect the customer from the system. During and after periods of heavy rainfall resulting in actual or potential inflow or infiltration in excess of two hundred (200) gallons per day, the administrator may in his discretion temporarily terminate the sewer connection to protect the public sewer system and other sewer users.

(b) For structures or property with actual or potential discharge, considered to be a Category II defect, the sewer user, property owner or other responsible person shall be given six (6) months to correct the actual or potential illegal or improper activities or facilities contributing to the discharge, infiltration or inflow into the public sanitary sewer system. If corrective measures to eliminate the actual or potential illegal or improper discharge,

infiltration or inflow into the public sanitary sewer system are not completed and approved by the utility director, or his designee, within six (6) months from the date of the notice provided in section 18-19(c), then the BRWA shall impose upon the sewer user, property owner or other responsible person a monthly surcharge in the amount of fifty dollars (\$50.00) per month until the required corrective measures are completed and approved. If the property owner or responsible party fails to pay the monthly surcharge when due and payable, then the BRWA shall terminate the water and sewer connections and service to the property, and disconnect the customer from the system. During and after periods of heavy rainfall resulting in actual or potential inflow or infiltration in excess of two hundred (200) gallons per day, the administrator may in his discretion temporarily terminate the sewer connection to protect the public sewer system and other sewer users.

- (c) For structures or property with actual or potential discharge considered to be a Category III defect, the sewer user, property owner or other responsible person shall be notified of the results of the inspection. Repairs of these defects will be considered voluntary at this time. Properties with category III defects will continue to be monitored and if the administrator, or his designee determine that the condition changes, the responsible person shall be so notified.

**Sec. 18-45. – Review of corrective measures.**

The sewer user, property owner or other responsible person shall correct the actual or potential illegal or improper activities or facilities contributing to the discharge, infiltration, or inflow into the public sanitary sewer system. These corrective measures to eliminate the actual or potential illegal or improper discharge, infiltration, or inflow into the public sewer system shall be taken upon notice from the utility director or his designee. Once these corrective measures have been implemented, the sewer user, property owner, or other responsible person shall request in writing that the utility director or his designee inspect the corrective measures to verify compliance with this chapter.

Any monthly surcharge imposed by the provisions of this ordinance, or any termination of water and sewer service arising from a failure to pay the monthly surcharge, shall continue until

the utility director or his designee determines that the corrective measures are in compliance with the provisions of this chapter.

If water and sewer services have been terminated under this ordinance, the sewer user, property owner, or other responsible person may request resumption of water and sewer service as follows:

- (1) By taking the corrective measures specified in the notice, and by eliminating the actual or potential discharge, infiltration, or inflow into the public sanitary sewer system.
- (2) By requesting an inspection and determination by the utility director or his designee as provided in this section.
- (3) By submitting a written request to the utility director requesting reinstatement of public water and sewer services and verifying that all standards of this chapter have been satisfied.

**Secs. 18-46 through 18-70 (RESERVED)**

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**Article III – CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION**

**Sec. 18-71. - Definitions.**

***Air Gap Separation*** — means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water to a tank, plumbing fixture, receptor, or other assembly and the flood level rim of the receptacle. An approved air-gap separation shall be a distance of at least two (2) times the diameter of the supply pipe measured vertically above the top rim of the vessel – with a minimum distance of one (1) inch, using whichever measurement is greater.

***Authority*** — means the Bedford Regional Water Authority

***Auxiliary Water System*** — means any water system on or available to the premises other than the waterworks. These auxiliary waters may include water from a source such as wells, lakes, or streams; or process fluids; or used water. They may be polluted or contaminated or objectionable, or constitute an unapproved water source or system over which the water purveyor does not have control.

***Backflow*** — means the flow of water or other liquids, mixtures, or substances into a waterworks from any source or sources other than its intended source.

***Backflow Prevention by Separation ("Separation")*** — means preventing backflow by either an air gap or by physical disconnection of a waterworks by the removal or absence of

pipes, fittings, or fixtures that connect a waterworks directly or indirectly to a non-potable system or one of questionable quality.

**Backflow Prevention Device ("Device")** — means any approved device intended to prevent backflow into a waterworks.

**Backpressure Backflow** — means backflow caused by pressure in the downstream piping which is superior to the supply pressure at the point of consideration.

**Backsiphonage Backflow** — means backflow caused by a reduction in pressure which causes a partial vacuum creating a siphon effect.

**Consumer** — means person who consumes or uses water from a waterworks.

**Consumer's Water Supply System ("Consumer's System")** — means the water service pipe, water distributing pipes, and necessary connecting pipes, fittings, control valves, and all appurtenances in or adjacent to the building or premises.

**Containment** — means the prevention of backflow into a waterworks from a consumer's water supply system by a backflow prevention device or by backflow prevention by separation at the service connection.

**Contaminant** — means any objectionable or hazardous physical, chemical, biological, or radiological substance or matter in water.

**Cross Connection** — means any connection or structural arrangement, direct or indirect, to the waterworks whereby backflow can occur.

**Degree of Hazard** — means either a high, moderate or low hazard based on the nature of the contaminant; the potential health hazard; the probability of the backflow occurrence; the method of backflow either by backpressure or by backsiphonage; and the potential effect on waterworks structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water.

**Distribution Main** — means a water main whose primary purpose is to provide treated water to service connections.

**Division** — means the Commonwealth of Virginia, Virginia Department of Health, Office of Drinking Water.

**Double Gate-Double Check Valve Assembly** — means an approved assembly designed to prevent backsiphonage or backpressure backflow and used for moderate or low hazard situations, composed of two independently operating, spring-loaded check valves, tightly closing shutoff valves located at each end of the assembly and fitted with properly located test cocks.

**Entry Point** — means the place where water from the source is delivered to the distribution system.

**Health Hazard** — means any condition, device, or practice in a waterworks or its operation that creates, or may create, a danger to the health and well-being of the water consumer.

**Human Consumption** — means drinking, food preparation, dishwashing, bathing, showering, hand washing, teeth brushing, and maintaining oral hygiene (see Title 32.1, Article 2, Code of Virginia, 1950, as amended).

**Isolation** — means the prevention of backflow into a waterworks from a consumer's water supply system by a backflow prevention device or by backflow prevention by separation at the sources of potential contamination in the consumer's water supply system. This is also called point-of-use isolation. Isolation of an area or zone within a consumer's water supply system confines the potential source of contamination to a specific area or zone. This is called area or zone isolation.

**Maximum Contaminant Level** — means the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate consumer of a waterworks, except in the cases of turbidity and VOCs, where the maximum permissible level is measured at each entry point to the distribution system. Contaminants added to the water under circumstances controlled by the consumer, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition. Maximum contaminant levels may be either "primary" (PMCL) meaning based on health considerations or "secondary" (SMCL) meaning based on aesthetic considerations.

**Plumbing Fixture** — means a receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges used water, waste materials, or sewage either directly or indirectly to the drainage system of the premises; or requires both a water supply connection and a discharge to the drainage system of the premises.

**Pollution** — means the presence of any foreign substance (chemical, physical, radiological, or biological) in water that tends to degrade its quality so as to constitute an unnecessary risk or impair the usefulness of the water.

**Pollution Hazard** — means a condition through which an aesthetically objectionable or degrading material may enter the waterworks or a consumer's water system.

**Premise(s)** — means a piece of real estate; house or building and its land.

**Pressure Vacuum Breaker** — means an approved assembly designed to prevent backsiphonage backflow and used for high, moderate, or low hazard situations, composed of one or two independently operating, spring-loaded check valves; an independently operating, spring-loaded air-inlet valve; tightly closing shutoff valves located at each end of the assembly; and fitted with properly located test cocks.

**Process Fluids** — means any kind of fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted which would constitute a health, pollution, or system hazard if introduced into the waterworks. This includes, but is not limited to:

- (1) Polluted or contaminated water,

- (2) Process waters,
- (3) Used water, originating from the waterworks, which may have deteriorated in sanitary quality.
- (4) Cooling waters,
- (5) Contaminated natural waters taken from wells, lakes, streams, or irrigation systems,
- (6) Chemicals in solution or suspension, and
- (7) Oils, gases, acids, alkalis, and other liquid and gaseous fluid used in industrial or other processes, or for firefighting purposes.

**Potable Water** — means water fit for human consumption that is sanitary and normally free of minerals, organic substances, and toxic agents in excess of reasonable amounts or legally defined maximum limits, and adequate in quantity and quality for the minimum health requirements of the persons served.

**Reduced Pressure Principle Backflow Prevention Device (RPZ device)** — means an approved assembly designed to prevent backsiphonage or backpressure backflow used for high, moderate, or low hazard situations, composed of a minimum of two independently operating, spring-loaded check valves together with an independent, hydraulically operating pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the assembly and be fitted with properly located test cocks.

**Service Connection** — means the point of delivery of water to the consumer.

**System Hazard** — means a condition posing a threat of or actually causing damage to the physical properties of the waterworks or a consumer's water supply system.

**Used Water** — means water supplied from the waterworks to a consumer's water supply system after it has passed through the service connection.

**Water Supply** — means the water that shall have been taken into a waterworks from all wells, streams, springs, lakes, and other bodies of surface water (natural or impounded), and the tributaries thereto, and all impounded groundwater, but the term "water supply" shall not include any waters above the point of intake of such waterworks.

**Waterworks** — means a system that serves piped water for human consumption to at least 15 service connections, or 25 or more individuals for at least 60 days out of the year. "Waterworks" includes all structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water except the piping and fixtures inside the building where such water is delivered (see Title 32.1, Article 2, *Code of Virginia*, 1950, as amended).

**Waterworks Consumer** — means an individual, group of individuals, partnership, firm, association, institution, corporation, government entity, or the Federal Government which

supplies or proposes to supply water to any person within this State from or by means of any waterworks (see Title 32.1, Article 2, *Code of Virginia*, 1950, as amended).

**Sec. 18-72. - Purpose.**

- (1) The purpose of this “Cross-Connection Control Ordinance” is to define the authority of the Bedford Regional Water Authority as the water purveyor in the elimination or isolation of all cross-connections within its public water supply. **THIS ORDINANCE IS DIRECTED AT SERVICE LINE PROTECTION (CONTAINMENT).**
- (2) This Article will comply with the Federal Safe Drinking Water Act of 1974, applicable Statutes of Virginia, and Waterworks Regulations, Virginia Department of Health, entitled “Cross-connection Control and Backflow Prevention in Waterworks.”

**Sec. 18-73. – Objectives of this Article.**

- (1) The specific objectives of the “Cross-Connection Control Ordinance” for the Bedford Regional Water Authority are as follows:
  - (a) To protect the public potable water supply operated and maintained by the Bedford Regional Water Authority against actual or potential or potential contamination by isolating within the consumers private water system, contaminants or pollutants which could, under adverse conditions, backflow through uncontrolled cross-connections into the public water system.
  - (b) To eliminate or control existing cross-connections, actual or potential, between the consumers’ in-plant potable water system(s) and non-potable or industrial piping system(s).
  - (c) To provide a continuing program of inspection for cross-connections control that will systematically and effectively control all actual or potential cross-connections that may be installed in the future.
- (2) All cross-connection control devices or assemblies, in existence prior to adoption of this ordinance, shall be subject to the regulations imposed in this article.

**Sec. 18-74. - Administration.**

- (1) The Bedford Regional Water Authority director, herein called the Executive Director, shall administer and enforce the provisions of this ordinance under the direction of the County Administrator.
- (2) It shall be the duty of the Executive Director to cause assessment to be made of properties served by the waterworks where cross connection with the waterworks is deemed possible. The method of determining potential cross connection with the waterworks and the administrative procedures shall be established by the

Executive Director in a Cross Connection Control and Backflow Prevention Program (Program) approved by the Commonwealth of Virginia, Department of Health, Office of Drinking Water.

- (3) The responsibility to carry out the Program lies with the Water and Wastewater Operations Manager or his/her designee.

**Sec. 18-75. - Enforcement of the Ordinance.**

- (1) Upon request, the consumer or occupants of property served shall furnish to the Water and Wastewater Operations Manager or his/her designee pertinent information regarding the consumer's water supply system or systems on such property for the purpose of assessing the consumer's water supply system for cross connection hazards and determining the degree of hazard, if any. The refusal of such information, when requested, shall be deemed evidence of the presence of a high degree of hazard cross connection.

- (2) Notice of Violation

Any consumer's water supply system found to be in violation of any provision of this article shall cause a notice of violation to be provided to the consumer at the premises at which the violation exists. Such notice may be mailed to the address of the consumer shown on records of the Bedford Regional Water Authority or personally served upon the consumer, The notice shall be signed by the Assistant Executive Director, and may require any or all of the following actions to be completed by a date certain, which date shall, except in circumstances deemed by the Assistant Executive Director to constitute an imminent and substantial endangerment to public health, be not less than fourteen (14) calendar days and not to exceed 30 calendar days from the date the notice was issued: (i) the cessation of correction of the violation; (ii) the acquisition and installation of additional material, equipment, supplies or personnel to ensure that the violation does not occur; (iii) the submission of a certified plan to prevent future violations, which plan shall be prepared by a professional engineer licensed to practice in the Commonwealth of Virginia; or (iv) any other corrective action deemed necessary for compliance with this article.

- (3) Penalties

- (a) In the event the consumer or occupant fails to comply with the terms of the notice of violation, the Executive Director may cause water service to the premises to be terminated. Where a violation constitutes an imminent and substantial endangerment to public health, the Executive Director shall terminate water service. The cost of disconnection and reconnection shall be paid by the consumer prior to restoration of water services to the premises.
- (b) In addition to disconnection of water service as set forth in this section, and not in lieu thereof, any consumer of properties served by a connection to the waterworks found guilty of violating any of the provisions of this ordinance, or any written order of the County Administrator in pursuance thereof, shall be deemed guilty of a Class 3

misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purposes of this article. The penalties provided in this section shall be in addition to, and not in lieu of, any other remedies for which provision is made in this article, or those which are available at law or in equity.

#### **Sec. 18-76. – Right of Entry**

- (1) Authorized representative(s) from the Bedford Regional Water Authority shall have the right to enter, upon presentation of proper credentials and identification, any building, structure or premises at reasonable times, to perform any duty imposed by this Article. Those duties shall include, but are not limited to, taking photographs and video, sampling and testing water, and/or inspections and observations of all piping systems connected to the public water supply.
- (2) Where a consumer has security measures in force which would require proper identification and clearance before entry into their premises, the consumer shall make necessary arrangements with security guards so that upon presentation of suitable identification, Bedford Regional Water Authority personnel will be permitted to enter, without delay, for purposes of performing their specific responsibilities. Refusal to allow entry for these purposes may result in discontinuance of water service.
- (3) Upon request, the consumer shall furnish to the Bedford Regional Water Authority any pertinent information regarding the water supply system on such property where cross-connections and backflow are deemed possible.

#### **Sec. 18-77. - Responsibilities of the Bedford Regional Water Authority (BRWA) and Water & Wastewater Operations Manager**

Effective cross connection control and backflow prevention requires the cooperation of the BRWA, Executive Director, Assistant Executive Director, Water & Wastewater Operations Manager or his/her designee, the consumer(s) of the property served, the Building Official and the backflow prevention device tester.

The Program shall be carried out in accordance with the Commonwealth of Virginia, Department of Health, *Waterworks Regulations* and shall as a minimum provide containment of potential contaminants at the consumer's service connection.

- (1) The BRWA has full responsibility for water quality and for the construction, maintenance and operation of the waterworks beginning at the water source and ending at the service connection.
- (2) The consumer of the property served and the BRWA have shared responsibility for water quality. The BRWA ensures the consumer is compliant with the Cross-Connection Control and Backflow Prevention Program. The consumer is responsible for the construction, maintenance, and operation of the water supply system from the service connection to the free flowing outlet.

- (3) The Operations Manager or his/her designee shall, to the extent of their jurisdiction, provide continuing identification and evaluation of all cross connection hazards. This shall include an assessment of each consumer's water supply system for cross connections to be followed by the requirement, if necessary, of installation of a backflow prevention device or separation.
- (4) In the event of the backflow of pollution or contamination into the waterworks, the Operations Manager shall promptly take or cause corrective action to confine and eliminate the pollution or contamination. The Operations Manager shall report to the appropriate Commonwealth of Virginia, Department of Health, Office of Drinking Water Field Office in the most expeditious manner (usually by telephone) when backflow occurs and shall submit a written report by the 10th day of the month following the month during which backflow occurred addressing the incident, its causes, effects, and preventative or control measures required or taken.
- (5) The Operations Manager shall take positive action to ensure that the waterworks is adequately protected from cross connections and backflow at all times. If a cross connection exists or backflow occurs into a consumer's water supply system or into the waterworks or if the consumer's water supply system causes the pressure in the waterworks to be lowered below 10 psi gauge, the Executive Director may discontinue the water service to the consumer and water service shall not be restored until the deficiencies have been corrected or eliminated to the satisfaction of the Executive Director.
- (6) In order to protect the occupants of a premise, the Water & Wastewater Operations Manager should inform the consumer's water supply system consumer(s) of any cross connection beyond the service connection that should be abated or controlled by application of an appropriate backflow prevention device or separation. Appropriate backflow prevention device or separation should be applied at each point-of-use and/or applied to the consumer's water supply system, isolating an area which may be a health or pollution hazard to the consumer's water supply system or to the waterworks.
- (7) Records of backflow prevention devices, separations, and consumer's water supply systems, including inspection records, records of backflow incidents, and records of device tests shall be maintained by the Operations Manager for ten years.

**Sec. 18-78. - Responsibilities of the Consumer's Water Supply System Consumer.**

- (1) The consumer's water supply system consumer(s), at their own expense, shall install, operate, test, and maintain required backflow prevention devices or backflow prevention by separations.
- (2) The consumer's water supply system consumer(s) shall provide copies of test results, maintenance records and overhaul records to the Operations Manager within 30 days of completion of testing or work. Such testing or work shall have been performed by device testers which have obtained a certificate of completion of a course recognized by the American Water Works Association, the Virginia

Department of Health or the Virginia Cross Connection Control Association for cross connection control and backflow prevention inspection, maintenance and testing or otherwise be certified by a Commonwealth of Virginia tradesman certification program.

**Sec. 18-79. - Prevention and Control Measures for Containment.**

(1) Service Line Protection

Backflow prevention device or separation shall be installed at the service connection to a consumer's water supply system where, in the judgment of the Operations Manager a health or pollution hazard to the consumer's water supply system or to the waterworks exists or may exist unless such hazards are abated or controlled to the satisfaction of the Operations Manager.

(2) Special Conditions

(a) When, as a matter of practicality, the backflow prevention device or separation cannot be installed at the service connection, the device or separation may be located downstream of the service connection but prior to any unprotected takeoffs.

(b) Where all actual or potential cross connections can be easily correctable at each point-of-use and where the consumer's water supply system is not intricate or complex, point-of-use isolation protection by application of an appropriate backflow prevention device or backflow prevention by separation may be used at each point-of-use in lieu of installing a containment device at the service connection.

(3) A backflow prevention device or backflow prevention by separation shall be installed at each service connection to a consumer's water supply system serving premises where the following conditions exist:

(a) Premises on which any substance is handled in such a manner as to create an actual or potential hazard to a waterworks (this shall include premises having auxiliary water systems or having sources or systems containing process fluids or waters originating from a waterworks which are no longer under the control of the waterworks consumer).

(b) Premises having internal cross connections that, in the judgment of the Operations Manager may not be easily correctable or intricate plumbing arrangements which make it impracticable to determine whether or not cross connections exist.

(c) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make an evaluation of all cross connection hazards.

(d) Premises having a repeated history of cross connections being established or reestablished.

- (e) Other premises specified by the Operations Manager where cause can be shown that a potential cross connection hazard not enumerated above exists.
- (4) Premises having booster pumps or fire pumps connected to the waterworks shall have the pumps equipped with a pressure sensing device to shut off or regulate the flow from the booster pump when the pressure in the waterworks drops to a minimum of 10 psi gauge at the service connection.
- (5) An approved backflow prevention device or backflow prevention by separation shall be installed at each service connection to a consumer's water supply system or installed under Paragraph (2), Special Conditions above, serving, but not necessarily limited to, the following types of facilities:
- (a) Hospitals, mortuaries, clinics, veterinary establishments, nursing homes, dental offices and medical buildings;
  - (b) Laboratories;
  - (c) Piers, docks, waterfront facilities;
  - (d) Sewage treatment plants, sewage pumping stations, or storm water pumping stations;
  - (e) Food and beverage processing plants;
  - (f) Chemical plants, dyeing plants and pharmaceutical plants;
  - (g) Metal plating industries;
  - (h) Petroleum or natural gas processing or storage plants;
  - (i) Radioactive materials processing plants or nuclear reactors;
  - (j) Car washes;
  - (k) Dry cleaners and laundries;
  - (l) Lawn sprinkler systems, irrigation systems;
  - (m) Fire service systems;
  - (n) Slaughter houses and poultry processing plants;
  - (o) Farms where the water is used for other than household purposes;

- (p) Commercial greenhouses and nurseries;
  - (q) Health clubs with swimming pools, therapeutic baths, hot tubs or saunas;
  - (r) Paper and paper products plants and printing plants;
  - (s) Pesticide or exterminating companies and their vehicles with storage or mixing tanks;
  - (t) Schools or colleges with laboratory facilities;
  - (u) High-rise buildings (4 or more stories);
  - (v) Multiuse commercial, office, or warehouse facilities;
  - (w) Others specified by the Executive Director when reasonable cause can be shown for a potential backflow or cross connection hazard.
- (6) Where lawn sprinkler systems, irrigation systems or fire service systems are connected directly to the waterworks with a separate service connection, a backflow prevention device or backflow prevention by separation shall be installed at the service connection or installed under Paragraph (2)(a) above, Special Conditions.

**Sec. 18-80. - Type of protection required.**

The type of protection required shall depend on the degree of hazard which exists or may exist.

The degree of hazard, either high, moderate, or low, is based on the nature of the contaminant; the potential health hazard; the probability of the backflow occurrence; the method of backflow either by backpressure or by back siphonage; and the potential effect on waterworks structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water.

Table 1 shall be used as a guide to determine the degree of hazard for any situation.

- (1) An air gap or physical disconnection gives the highest degree of protection and shall be used whenever practical to do so in high hazard situations subject to backpressure.
- (2) An air gap, physical disconnection and a reduced pressure principle backflow prevention device will protect against backpressure when operating properly.
- (3) Pressure vacuum breakers will not protect against backpressure, but will protect against backsiphonage when operating properly. Pressure vacuum breakers

may be used in low, moderate or high hazard situations subject to backsiphonage only.

- (4) A double gate - double check valve assembly shall not be used in high hazard situations.
- (5) Barometric loops are not acceptable.
- (6) Interchangeable connections or change-over devices are not acceptable.

**Sec. 18-81. - Backflow Prevention Devices and Backflow Prevention by Separation for Containment.**

- (1) Backflow prevention devices for containment include the reduced pressure principle backflow prevention assembly, the double gate - double check valve assembly, and the pressure vacuum breaker assembly.
- (2) Backflow prevention by separation shall be an air gap or physical disconnection. The minimum air gap shall be twice the effective opening of a potable water outlet unless the outlet is a distance less than three times the effective opening away from a wall or similar vertical surface, in which case the minimum air gap shall be three times the effective opening of the outlet. In no case shall the minimum air gap be less than one inch.
- (3) Backflow prevention devices shall be of the approved type and shall comply with the most recent American Water Works Association Standards and shall be approved for containment by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research.
- (4) Backflow prevention devices shall be installed in a manner approved by the Building Inspection Office and in accordance with the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research recommendations and the manufacturer's installation instructions. Vertical or horizontal positioning shall be as approved by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research.
- (5) Existing backflow prevention devices approved by the Operations Manager prior to the effective date of this ordinance shall, except for inspection, testing, and maintenance requirements, be excluded from the requirements of Section 18-81(3) and (4) above if the Operations Manager is assured that the devices will protect the waterworks.
- (6) For the purpose of application to Section 18-79 Paragraph (2)(b) Special Conditions above, point-of-use isolation devices or separations shall be as specified by the Operations Manager where reasonable assurance can be shown that the device or separation will protect the waterworks. As a minimum, point-of-use devices should bear an appropriate American Society of Sanitary Engineering Standard Number. See the Cross Connection Control and Backflow Prevention Program, Appendix A, for Isolation Device Application.

- (7) Backflow prevention devices with openings, outlets, or vents that are designed to operate or open during backflow prevention shall not be installed in pits or areas subject to flooding.

**Sec. 18-82. - Maintenance and Inspection Requirements.**

- (1) It shall be the responsibility of the consumer's water supply system consumer(s) to maintain all backflow prevention devices or separations installed in accordance with Section 18-79 in good working order and to make no piping or other arrangements for the purpose of bypassing or defeating backflow prevention devices or separations.
- (2) Operational testing and inspection schedules shall be established by the Operations Manager as outlined in the Cross Connection Control Program for all backflow prevention devices and separations which are installed at the service connection or installed under Special Conditions, Section 18-79. The interval between testing and inspection of each device shall be established in accordance with the age and condition of the device and the device manufacturer's recommendations. Backflow prevention device and separation inspection and testing intervals shall not exceed 1 year.
- (3) Backflow prevention device overhaul procedures and replacement parts shall be in accordance with the manufacturer's recommendations.
- (4) Backflow prevention device testing procedures shall be in accordance with the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research, Backflow Prevention Assembly Field Test Procedure and the manufacturer's instructions.

**Sec. 18-83. - Periodic testing by the Authority.**

The Operations Manager shall institute a program for the periodic testing of required backflow prevention devices by certified backflow prevention device inspectors. No device should require inspection more frequently than once every five (5) years under this program, unless deemed necessary by the Authority. The purpose of this program shall be to perform an in-field audit of the accuracy and effectiveness of the required backflow prevention device testing.

**TABLE 1: DETERMINATION OF DEGREE OF HAZARD**

Premises with the following conditions shall be rated at the corresponding degree of hazard.

<b>High Hazard</b>	The contaminant is toxic, poisonous, noxious or unhealthy
	In the event of backflow of the contaminant, a health hazard would exist
	A high probability exists of a backflow occurrence either by backpressure or by backsiphonage
	The contaminant would disrupt the service of piped water for drinking or domestic use
	Examples — Sewage, used water, non-potable water, auxiliary water systems and toxic or hazardous chemicals
<b>Moderate Hazard</b>	The contaminant would only degrade the quality of the water aesthetically or impair the usefulness of the water
	In the event of backflow of the contaminant, a health hazard would not exist
	A moderate probability exists of a backflow occurrence either by backpressure or by backsiphonage
	The contaminant would not seriously disrupt service of piped water for drinking or domestic use
	Examples — Food stuff, nontoxic chemicals and non-hazardous chemicals
<b>Low Hazard</b>	The contaminant would only degrade the quality of the water aesthetically
	In the event of backflow of the contaminant, a health hazard would not exist
	A low probability exists of the occurrence of backflow
	Backflow would only occur by backsiphonage
	The contaminant would not disrupt service of piped water
Examples — Food stuff, nontoxic chemicals and non-hazardous chemicals	

**Secs. 18-84 through 18-97 (RESERVED)**