



## **Danville Utility Commission Meeting Agenda**

**4:00 p.m., August 24, 2020**

**City Council Chambers, Danville City Hall**

- I. Call to Order**
  - A. Roll Call
  - B. Announcements
  
- II. Discussion/Business Items**
  - A. Minutes of the July 27, 2020 Commission Meeting
  - B. Review of Utilities' Financial Statements
  - C. Proposed Sewer Use Ordinance
  - D. Proposed Amended Agreement with Inframark to Accept Biosolids from Chatham
  
- III. Communications**
  - A. City Manager
  - B. Utilities Staff
  - C. Commission Members
  - D. Public Comments
  - E. Director's Report
  
- IV. Adjournment**

**Next Utility Commission Meeting**

**4:00 p.m. Monday, September 28, 2020**

**City Council Chambers  
4<sup>th</sup> Floor, City Hall**





**Danville Utility Commission**

4:00 p.m. July 27, 2020 Meeting  
Council Chambers, City Hall

**Minutes**

**Commission Members Present:** Vanessa Cain, Gary Miller, Helm Dobbins, Bill Donahue, Bert Eades, Paul Liepe, Ken Larking

**Commission Members Absent:** Sheila Williamson-Branch

**Staff Present:** Ryan Dodson, Jason Grey, Janet Davis, Jennifer Holley, Michael Adkins

**Others Present:**

**Election of Chair/Vice-Chair**

Mr. Ryan Dodson from the City Attorney’s office called the meeting to order and held the Chairman and Vice Chairman elections. Mr. Donahue nominated Ms. Cain to the office of Chairman. Mr. Dobbins moved to close the nominations. All members voted in favor and the nomination passed unanimously. Ms. Cain nominated Mr. Eades to the office of Vice Chairman. Mr. Dobbins moved to close the nominations. All members voted in favor, and the nomination passed unanimously.

**Discussion/Business Items**

**Minutes of June 22, 2020 Commission Meeting**

Ms. Cain asked for any corrections, deletions, or adjustments to the minutes from June 22, 2020.

Mr. Dobbins made a motion to approve the minutes. Mr. Eades seconded, all members voted in favor, and the motion carried unanimously.

**Review of Utilities’ Financial Statements**

Ms. Holley presented the utility financial statements for each utility fund and addressed questions from the commissioners.

Mr. Eades asked what is the impact on the financial statements due to bad debt coming during the utility cutoff freeze period. Ms. Holley responded that until the cutoffs begin she cannot give an accurate report.

## Danville HomeSave and CustomSave Energy Efficiency Program Update

Janet Davis, Key Accounts Manager provided an update on the types of measures and expected demand reduction from July 2019 to June 2020.

Mr. Liepe asked what measures were available to the worship rate customers. Ms. Davis responded that several churches have performed lighting upgrades or have inquired about the available rebates. She also mentioned that another good option specifically for places of worship would be to install insulation for a rebate.

Mr. Eades asked what marketing efforts are going to be made to promote the gas rebates. Ms. Davis responded that direct mailers, signs in neighborhoods, and bill inserts are some of the efforts planned that will advertise the availability of gas. The advertising will mention the free installation of up to 300 feet of line with installation of qualifying appliances.

## Power Cost Adjustment Update and Recommendations

Jason Grey presented several different electric load forecasts that could indicate where the power cost adjustment balance will be in FY2021. Possible solutions were discussed by the Commission.

Mr. Dobbins emphasized that the Commission does not want to prolong the Power Cost Adjustment (PCA), especially with the increases forecasted for transmission costs. Mr. Dobbins mentioned that a portion of the Pinnacles sale could do to pay off the PCA and the remainder could go to helping pay for the new substations.

Mr. Liepe expressed concern with using funds from a capital asset and not using the funds towards another capital asset.

Mr. Donohue stated that the economy is not in favor of utilities in the coming years. He said a short term pay down is probably the least effective way to use funds from the sale of Pinnacles given that the intent of the sale was to help defray costs to the Utility. Mr. Donohue said the funds should be used for long term investment.

Mr. Donohue said the Commission may want to continue to look into battery storage as was mentioned to the Commission in previous months by Mr. Grey.

Dr. Miller emphasized the need to upgrade the substations.

Mr. Liepe asked if the Commission can table the discussion on the PCA until after the Summer sales to make a more informed decision regarding paying off the PCA.

Mr. Grey responded that he will bring the proposal back to the Utility Commission at the beginning of fall.

Department Discussions

Mr. Eades commended the utility line workers performance during the recent outage.

Mr. Dobbins thanked Mr. Donohue for his years of service to the Commission.

Dr. Miller thanked Mr. Grey for offering to bringing him up to speed on the Utility Commission.

Mr. Grey presented plaques to Mr. Shanks and Mr. Donohue to commemorate their service to the Utility Commission.

Ms. Cain congratulated both Mr. Shanks and Mr. Donohue on their combined 25 years of service.

Mr. Larking echoed Ms. Cain’s sentiments and added that this commission is a tough commission to be on and that their voluntary work is appreciated.

There was no further communication from staff, commission members or the public.

**Adjournment**

Ms. Cain stated the next meeting is scheduled for August 24, 2020. Mr. Liepe mad a motion to adjourn. Mr. Dobbins seconded the motion. All members voted in favor, and the motion carried unanimously. There being no further business, Ms. Cain adjourned the meeting at 5:00 p.m.

Submitted by Janet Davis  
Secretary to the DUC

**August 24, 2020**  
Date Approved

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Chairman  
Danville Utility Commission





Commission Item Number: DUC200824 - 1  
Utility Commission Meeting: August 24, 2020  
Item: II. B. Review of Utilities' Financial Statements

### **Financial Report**

June financials will be reviewed



UTILITY FUNDS  
COMBINING STATEMENTS OF REVENUES, EXPENSES, AND CHANGES IN FUND NET ASSETS  
FOR THE PERIOD ENDED JUNE 30, 2020 (YTD)  
UNAUDITED

	WASTEWATER	WATER	GAS	ELECTRIC	TELECOM	TOTAL	CURRENT 19-20 BUDGET	LAST YEAR TO DATE
OPERATING REVENUE	8,764,607.76	8,621,722.42	19,435,366.24	117,349,668.31	613,226.88	154,784,591.61	167,810,680.00	160,551,839.54
COST OF SALES								
PURCHASED SERVICES	-	-	12,002,695.36	89,954,445.99	60,543.70	102,017,685.05	108,918,670.00	106,179,686.09
PRODUCTION	-	-	-	666,795.54	-	666,795.54	1,088,131.91	668,183.39
TOTAL COST OF SALES	-	-	12,002,695.36	90,621,241.53	60,543.70	102,684,480.59	110,006,801.91	106,847,869.48
GROSS PROFIT	8,764,607.76	8,621,722.42	7,432,670.88	26,728,426.78	552,683.18	52,100,111.02	57,803,878.09	53,703,970.06
GROSS PROFIT %	100.00%	100.00%	38.24%	22.78%	90.13%	33.66%	34.45%	33.45%
OPERATING EXPENSES								
TRANSMISSION & TREATMENT	2,818,708.11	1,705,645.83	-	1,480,229.63	-	6,004,583.57	6,551,134.03	5,949,748.59
ENGINEERING	-	209,821.86	309,771.84	793,696.25	-	1,313,289.95	1,952,308.96	1,209,026.35
DISTRIBUTION	2,178,391.13	535,201.43	644,869.29	12,945,987.82	-	16,304,449.67	16,710,268.00	15,632,526.12
SERVICE	14,636.71	62,591.79	35,351.53	-	-	112,580.03	275,409.16	133,861.31
METERS & REGULATORS	-	74,414.44	107,403.69	332,146.92	(340.08)	513,624.97	746,240.00	559,975.10
GENERAL & ADMINISTRATIVE	1,783,355.41	3,140,215.77	3,791,774.13	5,079,298.12	930,473.51	14,725,116.94	15,162,929.65	15,158,665.74
TOTAL OPERATING EXPENSES	6,795,091.36	5,727,891.12	4,889,170.48	20,631,358.74	930,133.43	38,973,645.13	41,398,289.80	38,643,803.21
OPERATING INCOME (LOSS)	1,969,516.40	2,893,831.30	2,543,500.40	6,097,068.04	(377,450.25)	13,126,465.89	16,405,588.29	15,060,166.85
NON-OPERATING REVENUE (EXPENSE)								
INTEREST INCOME ON INVESTMENTS	273,548.02	275,958.31	323,863.41	852,834.31	24,404.59	1,750,608.64	1,015,800.00	2,378,133.41
ENERGY EFFICIENCY RECOVERY	-	-	-	(369,651.70)	-	(369,651.70)	(479,811.79)	(466,573.67)
RECOVERIES AND REBATES	7,895.60	10,551.53	915,648.75	1,482.29	-	935,578.17	19,320.00	466,437.51
GAIN/LOSS ON DISPOSAL	-	8,525.00	-	30,846.14	-	39,371.14	48,140.00	52,097.27
JOBGING INCOME (LOSS)	29,750.61	40,359.46	79,986.64	894,477.48	980.57	1,045,554.76	455,610.00	459,097.22
INTEREST ON LONG TERM INDEBTEDNESS	(103,794.07)	(105,978.77)	(46,485.11)	(1,528,098.35)	-	(1,784,356.30)	(1,859,960.00)	(1,862,421.53)
NET INCOME (LOSS)	2,176,916.56	3,123,246.83	3,816,514.09	5,978,958.21	(352,065.09)	14,743,570.60	15,604,686.50	16,086,937.06
OPERATING TRANSFERS IN(OUT)	(705,759.96)	(950,300.04)	(3,186,330.00)	(10,429,610.04)	(81,000.00)	(15,353,000.04)	(15,353,000.00)	(17,848,000.04)
NET INCOME AFTER TRANSFERS	1,471,156.60	2,172,946.79	630,184.09	(4,450,651.83)	(433,065.09)	(609,429.44)	251,686.50	(1,761,062.98)
NET ASSETS JULY 1, AS RESTATED	60,553,912.35	45,516,684.17	56,018,959.51	176,913,450.37	9,115,652.75	348,118,659.15		
NET INCOME AFTER TRANSFERS	1,471,156.60	2,172,946.79	630,184.09	(4,450,651.83)	(433,065.09)	(609,429.44)		
FEDERAL GRANT	-	-	-	-	-	-		
CONTRIBUTION IN AID	51,565.00	-	-	-	-	51,565.00		
NET ASSETS JUNE 2020	62,076,633.95	47,689,630.96	56,649,143.60	172,462,798.54	8,682,587.66	347,560,794.71		
NET ASSETS								
CONTRIBUTED CAPITAL - FIXED ASSETS	3,922,931.44	4,676,282.92	1,340,510.58	13,721,622.53	337,248.59	23,998,596.06		
RESTRICTED FOR INVESTMENT IN FIXED ASSETS	45,285,399.90	29,853,723.76	38,778,428.79	115,984,726.45	7,093,720.73	236,995,999.63		
RESTRICTED FOR PROJECTS IN PROGRESS	5,999,880.44	5,983,450.00	3,041,508.17	7,085,129.13	441,198.93	22,551,166.67		
RESTRICTED FOR ENCUMBRANCES	154,994.74	76,565.98	48,529.25	378,327.35	1,062.50	659,479.82		
RESTRICTED FOR ENERGY EFFICIENCY	-	-	-	-	-	-		
NET PENSION ASSETS	386,429.00	1,039,349.00	934,757.00	3,622,378.00	100,981.00	6,083,894.00		
DEFERRED OUTFLOWS - PENSION	66,617.00	179,174.00	161,143.00	624,465.00	17,408.00	1,048,807.00		
UNRESTRICTED	6,326,998.43	6,060,259.30	12,505,409.81	31,670,615.08	708,375.91	57,271,658.53		
TOTAL NET ASSETS	62,076,633.95	47,689,630.96	56,649,143.60	172,462,798.54	8,682,587.66	347,560,794.71		

**CITY OF DANVILLE**  
**UTILITY FUNDS**  
**COMBINING STATEMENT OF NET ASSETS - UNAUDITED**  
**JUNE 30, 2020**

	<u>WASTEWATER</u>	<u>WATER</u>	<u>GAS</u>	<u>ELECTRIC</u>	<u>TELECOM</u>	<u>JUNE 30, 2020</u>
<b>ASSETS</b>						
Equity in pooled Cash and Investments	\$ 11,855,850.88	11,364,912.90	13,614,832.25	31,454,908.34	914,466.57	69,204,970.94
Receivables (Net of allowances for Uncollectible):						
Accounts	1,036,888.93	401,170.58	2,124,465.28	14,755,673.00	78,273.01	18,396,470.80
Power/Gas Cost Recovery	-	-	21,245.55	5,108,223.36	-	5,129,468.91
Pension Assets	386,429.00	1,039,349.00	934,757.00	3,622,378.00	100,981.00	6,083,894.00
Inventory of Gas, Materials and Supplies, at Cost	-	571,636.39	765,545.56	1,518,529.67	180,094.72	3,035,806.34
Fixed Assets	99,469,639.86	76,676,681.55	71,310,318.15	319,257,255.46	10,872,904.85	577,586,799.87
Accumulated Depreciation	(48,187,229.85)	(40,107,573.94)	(30,166,790.95)	(141,895,570.04)	(3,441,935.53)	(263,799,100.31)
Deferred Outflows - Pension	66,617.00	179,174.00	161,143.00	624,465.00	17,408.00	1,048,807.00
	<u>66,617.00</u>	<u>179,174.00</u>	<u>161,143.00</u>	<u>624,465.00</u>	<u>17,408.00</u>	<u>1,048,807.00</u>
<b>TOTAL ASSETS</b>	<u><b>\$ 64,628,195.82</b></u>	<u><b>50,125,350.48</b></u>	<u><b>58,765,515.84</b></u>	<u><b>234,445,862.79</b></u>	<u><b>8,722,192.62</b></u>	<u><b>416,687,117.55</b></u>
<b>LIABILITIES AND NET ASSETS</b>						
<b>Liabilities</b>						
Accounts Payable	\$ 442,950.80	244,558.06	1,009,248.34	9,332,902.99	28,998.53	11,058,658.72
Accrued Interest Payable	34,532.40	33,632.09	17,610.92	620,360.67	-	706,136.08
Customer Deposits	-	-	-	3,799,092.73	-	3,799,092.73
Accrued Vacation, Sick Leave & Workers Comp.	-	118,428.44	64,925.15	552,506.27	10,606.43	746,466.29
Deferred Gain / Loss - Refunding Bonds	(130,204.34)	(124,245.84)	(69,388.42)	(1,272,306.61)	-	(1,596,145.21)
Original Issue Premium/Discount (Refunding Bonds)	110,503.88	153,667.88	80,941.41	4,297,943.41	-	4,643,056.58
General Obligation Bonds Payable	2,093,779.30	2,009,678.89	1,013,034.84	44,629,699.64	-	49,746,192.67
Revenue Bonds Payable	(0.17)	-	-	-	-	(0.17)
Long-Term Leases, Notes, and Contracts Payable	-	-	-	22,865.15	-	22,865.15
	<u>-</u>	<u>-</u>	<u>-</u>	<u>22,865.15</u>	<u>-</u>	<u>22,865.15</u>
<b>TOTAL LIABILITIES</b>	<u><b>\$ 2,551,561.87</b></u>	<u><b>2,435,719.52</b></u>	<u><b>2,116,372.24</b></u>	<u><b>61,983,064.25</b></u>	<u><b>39,604.96</b></u>	<u><b>69,126,322.84</b></u>
<b>Net Assets</b>						
Contributed Capital	\$ 3,922,931.44	4,676,282.92	1,340,510.58	13,721,622.53	337,248.59	23,998,596.06
Retained Earnings:						
Restricted for Investment in Fixed Assets	\$ 45,285,399.90	29,853,723.76	38,778,428.79	115,984,726.45	7,093,720.73	236,995,999.63
Restricted for Incomplete Projects	5,999,880.44	5,983,450.00	3,041,508.17	7,085,129.13	441,198.93	22,551,166.67
Restricted for Subsequent Expenses	154,994.74	76,565.98	48,529.25	378,327.35	1,062.50	659,479.82
Net Pension Assets	386,429.00	1,039,349.00	934,757.00	3,622,378.00	100,981.00	6,083,894.00
Deferred Outflows - Pension	66,617.00	179,174.00	161,143.00	624,465.00	17,408.00	1,048,807.00
Unrestricted	6,326,998.43	6,060,259.30	12,505,409.81	31,670,615.08	708,375.91	57,271,658.53
	<u>6,326,998.43</u>	<u>6,060,259.30</u>	<u>12,505,409.81</u>	<u>31,670,615.08</u>	<u>708,375.91</u>	<u>57,271,658.53</u>
<b>Total Retained Earnings</b>	<u><b>\$ 58,153,702.51</b></u>	<u><b>43,013,348.04</b></u>	<u><b>55,308,633.02</b></u>	<u><b>158,741,176.01</b></u>	<u><b>8,345,339.07</b></u>	<u><b>323,562,198.65</b></u>
<b>TOTAL NET ASSETS</b>	<u><b>\$ 62,076,633.95</b></u>	<u><b>47,689,630.96</b></u>	<u><b>56,649,143.60</b></u>	<u><b>172,462,798.54</b></u>	<u><b>8,682,587.66</b></u>	<u><b>347,560,794.71</b></u>
<b>TOTAL LIABILITIES AND NET ASSETS</b>	<u><b>\$ 64,628,195.82</b></u>	<u><b>50,125,350.48</b></u>	<u><b>58,765,515.84</b></u>	<u><b>234,445,862.79</b></u>	<u><b>8,722,192.62</b></u>	<u><b>416,687,117.55</b></u>

**CITY OF DANVILLE**  
**UTILITY FUNDS**  
**COMBINING STATEMENT OF REVENUES, EXPENSES,**  
**AND CHANGES IN FUND NET ASSETS**  
**FOR THE PERIOD ENDED JUNE 30, 2020**

	<u>WASTEWATER</u>	<u>WATER</u>	<u>GAS</u>	<u>ELECTRIC</u>	<u>TELECOM</u>	<u>JUNE 30, 2020</u>
Operating revenues:						
Charges for Services	\$ 8,764,607.76	8,621,722.42	19,435,366.24	117,349,668.31	613,226.88	154,784,591.61
Operating Expenses:						
Purchased Services	\$ -	-	12,002,695.36	89,954,445.99	60,543.70	102,017,685.05
Production	-	-	-	666,795.54	-	666,795.54
Transmission & Treatment	2,818,708.11	1,705,645.83	-	1,480,229.63	-	6,004,583.57
Engineering	-	209,821.86	309,771.84	793,696.25	-	1,313,289.95
Distribution	2,178,391.13	535,201.43	644,869.29	12,945,987.82	-	16,304,449.67
Service	14,636.71	62,591.79	35,351.53	-	-	112,580.03
Meters & Regulators	-	74,414.44	107,403.69	332,146.92	(340.08)	513,624.97
Administrative	1,783,355.41	3,140,215.77	3,791,774.13	5,079,298.12	930,473.51	14,725,116.94
Total Operating Expenses	\$ 6,795,091.36	5,727,891.12	16,891,865.84	111,252,600.27	990,677.13	141,658,125.72
Operating Income (Loss)	\$ 1,969,516.40	2,893,831.30	2,543,500.40	6,097,068.04	(377,450.25)	13,126,465.89
Non-Operating Revenues (Expenses):						
Jobbing Income (Loss)	29,750.61	40,359.46	79,986.64	894,477.48	980.57	1,045,554.76
Interest Income	273,548.02	275,958.31	323,863.41	852,834.31	24,404.59	1,750,608.64
Energy Efficiency Recovery	-	-	-	(369,651.70)	-	(369,651.70)
Gain (Loss) on Disposal of Property	-	8,525.00	-	30,846.14	-	39,371.14
Recoveries and Rebates	7,895.60	10,551.53	915,648.75	1,482.29	-	935,578.17
Interest Expense	(103,794.07)	(105,978.77)	(46,485.11)	(1,528,098.35)	-	(1,784,356.30)
Total Non-Operating Revenues (Expenses)	\$ 207,400.16	229,415.53	1,273,013.69	(118,109.83)	25,385.16	1,617,104.71
Income (Loss) Before Operating Transfers	\$ 2,176,916.56	3,123,246.83	3,816,514.09	5,978,958.21	(352,065.09)	14,743,570.60
Operating Transfers:						
Transfers In (Out)	(705,759.96)	(950,300.04)	(3,186,330.00)	(10,429,610.04)	(81,000.00)	(15,353,000.04)
Total Operating Transfers	\$ (705,759.96)	(950,300.04)	(3,186,330.00)	(10,429,610.04)	(81,000.00)	(15,353,000.04)
Net Income (Loss)	\$ 1,471,156.60	2,172,946.79	630,184.09	(4,450,651.83)	(433,065.09)	(609,429.44)
Net Assets - July 1, 2019, as restated	60,553,912.35	45,516,684.17	56,018,959.51	176,913,450.37	9,115,652.75	348,118,659.15
Net Income (Loss)	1,471,156.60	2,172,946.79	630,184.09	(4,450,651.83)	(433,065.09)	(609,429.44)
Contribution In Aid of Construction	51,565.00	-	-	-	-	51,565.00
Net Assets - June 30, 2020	\$ 62,076,633.95	47,689,630.96	56,649,143.60	172,462,798.54	8,682,587.66	347,560,794.71

UTILITY FUNDS  
STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET ASSETS - UNAUDITED  
FOR THE PERIOD ENDED JUNE 30, 2020

**WASTEWATER - PRE-CLOSING**

	<u>ORIGINAL BUDGET 2019-20</u>	<u>ADJUSTMENTS AND CARRYFORWARDS</u>	<u>CURRENT BUDGET 2019-20</u>	<u>JUNE 2020</u>	<u>PERCENT OF CURRENT BUDGET</u>	<u>JUNE 2019</u>
OPERATING REVENUE	9,158,550.00		9,158,550.00	8,764,607.76	95.70%	9,956,338.46
OPERATING EXPENSES						
TRANSMISSION & TREATMENT	3,050,270.00	7,031.83	3,057,301.83	2,818,708.11	92.20%	2,769,205.43
ENGINEERING	-		-	-		-
DISTRIBUTION	2,230,480.00	72,914.98	2,303,394.98	2,178,391.13	94.57%	1,964,032.47
SERVICE	143,400.00	(129,310.84)	14,089.16	14,636.71	103.89%	37,597.09
METERS & REGULATORS	-		-	-		-
BAD DEBT	35,800.00		35,800.00	35,569.07	99.35%	45,505.14
GENERAL & ADMINISTRATIVE	1,832,710.00		1,832,710.00	1,747,786.34	95.37%	1,591,009.16
TOTAL OPERATING EXPENSES	7,292,660.00	(49,364.03)	7,243,295.97	6,795,091.36	93.81%	6,407,349.29
OPERATING INCOME (LOSS)	1,865,890.00	49,364.03	1,915,254.03	1,969,516.40	102.83%	3,548,989.17
NON-OPERATING REVENUE (EXPENSE)						
INTEREST INCOME ON INVESTMENTS	118,540.00		118,540.00	273,548.02	230.76%	312,025.63
RECOVERIES AND REBATES	-		-	7,895.60		10,078.80
GAIN/LOSS ON DISPOSAL	-		-	-		-
JOBGING INCOME (LOSS)	46,020.00		46,020.00	29,750.61	64.65%	62,839.23
INTEREST ON LONG TERM INDEBTEDNESS	(127,120.00)		(127,120.00)	(103,794.07)	81.65%	(150,656.90)
NET INCOME (LOSS)	1,903,330.00	49,364.03	1,952,694.03	2,176,916.56	111.48%	3,783,275.93
OPERATING TRANSFERS IN (OUT)	(705,760.00)		(705,760.00)	(705,759.96)	100.00%	(3,693,759.96)
NET INCOME AFTER TRANSFERS	1,197,570.00	49,364.03	1,246,934.03	1,471,156.60	117.98%	89,515.97
CONTRIBUTION IN AID	35,000.00		35,000.00	51,565.00	147.33%	
REGULAR CAPITAL MAINTENANCE	(598,420.00)		(598,420.00)	(273,367.64)	45.68%	
CAPITAL PROJECTS	(1,350,000.00)	(5,232,529.00)	(6,582,529.00)	(1,140,045.15)	17.32%	
DEBT SERVICE	(727,290.00)		(727,290.00)	(639,604.47)	87.94%	
DEPRECIATION	2,115,000.00		2,115,000.00	1,983,731.52	93.79%	
CONTINGENCY	(100,000.00)		(100,000.00)	-	0.00%	

UTILITY FUNDS  
STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET ASSETS - UNAUDITED  
FOR THE PERIOD ENDED JUNE 30, 2020

**WATER - PRE-CLOSING**

	<u>ORIGINAL BUDGET 2019-20</u>	<u>ADJUSTMENTS AND CARRYFORWARDS</u>	<u>CURRENT BUDGET 2019-20</u>	<u>JUNE 2020</u>	<u>PERCENT OF CURRENT BUDGET</u>	<u>JUNE 2019</u>
OPERATING REVENUE	8,758,450.00		8,758,450.00	8,621,722.42	98.44%	7,814,555.29
OPERATING EXPENSES						
TRANSMISSION & TREATMENT	1,892,690.00	(28,059.20)	1,864,630.80	1,705,645.83	91.47%	1,637,468.77
ENGINEERING	371,830.00	20,454.89	392,284.89	209,821.86	53.49%	195,265.17
DISTRIBUTION	702,810.00	3,490.02	706,300.02	535,201.43	75.78%	569,584.50
SERVICE	136,380.00		136,380.00	62,591.79	45.90%	48,965.98
METERS & REGULATORS	178,160.00		178,160.00	74,414.44	41.77%	114,591.60
BAD DEBT	27,500.00		27,500.00	31,627.81	115.01%	32,390.40
GENERAL & ADMINISTRATIVE	3,155,010.00	109,818.09	3,264,828.09	3,108,587.96	95.21%	2,718,541.89
TOTAL OPERATING EXPENSES	6,464,380.00	105,703.80	6,570,083.80	5,727,891.12	87.18%	5,316,808.31
OPERATING INCOME (LOSS)	2,294,070.00	(105,703.80)	2,188,366.20	2,893,831.30	132.24%	2,497,746.98
NON-OPERATING REVENUE (EXPENSE)						
INTEREST INCOME ON INVESTMENTS	143,850.00		143,850.00	275,958.31	191.84%	356,975.40
RECOVERIES AND REBATES	13,320.00		13,320.00	10,551.53	79.22%	21,115.09
GAIN/LOSS ON DISPOSAL	12,490.00		12,490.00	8,525.00	68.25%	185.94
JOBGING INCOME (LOSS)	91,050.00		91,050.00	40,359.46	44.33%	54,401.43
INTEREST ON LONG TERM INDEBTEDNESS	(111,200.00)		(111,200.00)	(105,978.77)	95.30%	(153,893.65)
NET INCOME (LOSS)	2,443,580.00	(105,703.80)	2,337,876.20	3,123,246.83	133.59%	2,776,531.19
OPERATING TRANSFERS IN (OUT)	(950,300.00)		(950,300.00)	(950,300.04)	100.00%	(942,300.00)
NET INCOME AFTER TRANSFERS	1,493,280.00	(105,703.80)	1,387,576.20	2,172,946.79	156.60%	1,834,231.19
CONTRIBUTION IN AID	-		-	-		
REGULAR CAPITAL MAINTENANCE	(1,238,100.00)	(32,313.93)	(1,270,413.93)	(712,266.11)	56.07%	
CAPITAL PROJECTS	(1,000,000.00)	(6,540,155.68)	(7,540,155.68)	(2,174,853.50)	28.84%	
DEBT SERVICE	(821,300.00)		(821,300.00)	(715,894.10)	87.17%	
DEPRECIATION	1,685,000.00		1,685,000.00	1,580,077.20	93.77%	
CONTINGENCY	(100,000.00)		(100,000.00)		0.00%	

UTILITY FUNDS  
STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET ASSETS - UNAUDITED  
FOR THE PERIOD ENDED JUNE 30, 2020

**GAS - PRE-CLOSING**

	ORIGINAL BUDGET 2019-20	ADJUSTMENTS AND CARRYFORWARDS	CURRENT BUDGET 2019-20	JUNE 2020	PERCENT OF CURRENT BUDGET	JUNE 2019
OPERATING REVENUE	21,453,960.00		21,453,960.00	19,435,366.24	90.59%	23,530,874.51
COST OF SALES	-		-	-		-
PURCHASED SERVICES PRODUCTION	12,794,670.00		12,794,670.00	12,002,695.36	93.81%	13,883,483.92
TOTAL COST OF SALES	12,794,670.00	-	12,794,670.00	12,002,695.36		13,883,483.92
GROSS PROFIT	8,659,290.00	-	8,659,290.00	7,432,670.88		9,647,390.59
GROSS PROFIT %	40.36%		40.36%	38.24%		41.00%
OPERATING EXPENSES						
TRANSMISSION & TREATMENT	-		-	-		-
ENGINEERING	438,250.00	72,999.75	511,249.75	309,771.84	60.59%	284,332.92
DISTRIBUTION	645,870.00	9,625.32	655,495.32	644,869.29	98.38%	618,859.06
SERVICE	124,940.00		124,940.00	35,351.53	28.29%	47,298.24
METERS & REGULATORS	188,380.00		188,380.00	107,403.69	57.01%	154,622.75
BAD DEBT	51,440.00		51,440.00	49,332.91	95.90%	77,675.13
GENERAL & ADMINISTRATIVE	3,805,550.00	8,431.98	3,813,981.98	3,742,441.22	98.12%	4,107,173.28
TOTAL OPERATING EXPENSES	5,254,430.00	91,057.05	5,345,487.05	4,889,170.48	91.46%	5,289,961.38
OPERATING INCOME (LOSS)	3,404,860.00	(91,057.05)	3,313,802.95	2,543,500.40	76.75%	4,357,429.21
NON-OPERATING REVENUE (EXPENSE)						
INTEREST INCOME ON INVESTMENTS	161,550.00		161,550.00	323,863.41	200.47%	431,730.48
RECOVERIES AND REBATES	-		-	915,648.75		234,181.95
GAIN/LOSS ON DISPOSAL	5,150.00		5,150.00	-		(5,071.45)
JOBGING INCOME (LOSS)	154,820.00		154,820.00	79,986.64	51.66%	108,487.86
INTEREST ON LONG TERM INDEBTEDNESS	(47,340.00)		(47,340.00)	(46,485.11)	98.19%	(58,054.07)
NET INCOME (LOSS)	3,679,040.00	(91,057.05)	3,587,982.95	3,816,514.09	106.37%	5,068,703.98
OPERATING TRANSFERS IN (OUT)	(3,186,330.00)		(3,186,330.00)	(3,186,330.00)	100.00%	(3,059,330.04)
NET INCOME AFTER TRANSFERS	492,710.00	(91,057.05)	401,652.95	630,184.09	156.90%	2,009,373.94
CONTRIBUTION IN AID			-			
REGULAR CAPITAL MAINTENANCE	(822,200.00)	(90,960.77)	(913,160.77)	(409,376.73)	44.83%	
CAPITAL PROJECTS	(1,500,000.00)	(1,989,551.81)	(3,489,551.81)	(1,052,000.36)	30.15%	
DEBT SERVICE	(221,390.00)		(221,390.00)	(204,736.15)	92.48%	
DEPRECIATION	1,556,000.00		1,556,000.00	1,563,961.44	100.51%	
CONTINGENCY	(100,000.00)		(100,000.00)	-	0.00%	

UTILITY FUNDS  
STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET ASSETS - UNAUDITED  
FOR THE PERIOD ENDED JUNE 30, 2020

**ELECTRIC - PRE-CLOSING**

	<u>ORIGINAL BUDGET 2019-20</u>	<u>ADJUSTMENTS AND CARRYFORWARDS</u>	<u>CURRENT BUDGET 2019-20</u>	<u>JUNE 2020</u>	<u>PERCENT OF CURRENT BUDGET</u>	<u>JUNE 2019</u>
OPERATING REVENUE	127,879,720.00		127,879,720.00	117,349,668.31	91.77%	118,360,916.00
COST OF SALES						
PURCHASED SERVICES	96,067,000.00		96,067,000.00	89,954,445.99	93.64%	92,238,653.59
PRODUCTION	889,770.00	198,361.91	1,088,131.91	666,795.54		668,183.39
TOTAL COST OF SALES	96,956,770.00	198,361.91	97,155,131.91	90,621,241.53		92,906,836.98
GROSS PROFIT	30,922,950.00	(198,361.91)	30,724,588.09	26,728,426.78		25,454,079.02
GROSS PROFIT %	24.18%		24.03%	22.78%		21.51%
OPERATING EXPENSES						
TRANSMISSION & TREATMENT	1,611,140.00	18,061.40	1,629,201.40	1,480,229.63	90.86%	1,543,074.39
ENGINEERING	959,840.00	88,934.32	1,048,774.32	793,696.25	75.68%	729,428.26
DISTRIBUTION	12,987,030.00	58,047.68	13,045,077.68	12,945,987.82	99.24%	12,480,050.09
SERVICE	-		-	-		-
METERS & REGULATORS	379,700.00		379,700.00	332,146.92	87.48%	290,760.75
BAD DEBT	305,800.00		305,800.00	405,070.34	132.46%	468,050.84
GENERAL & ADMINISTRATIVE	4,805,060.00	113,007.08	4,918,067.08	4,674,227.78	95.04%	5,342,874.99
TOTAL OPERATING EXPENSES	21,048,570.00	278,050.48	21,326,620.48	20,631,358.74	96.74%	20,854,239.32
OPERATING INCOME (LOSS)	9,874,380.00	(476,412.39)	9,397,967.61	6,097,068.04	64.88%	4,599,839.70
NON-OPERATING REVENUE (EXPENSE)						
INTEREST INCOME ON INVESTMENTS	574,980.00		574,980.00	852,834.31	148.32%	1,242,178.83
ENERGY EFFICIENCY RECOVERY	-	(479,811.79)	(479,811.79)	(369,651.70)	77.04%	(466,573.67)
RECOVERIES AND REBATES	6,000.00		6,000.00	1,482.29	24.70%	189,099.89
GAIN/LOSS ON DISPOSAL	30,500.00		30,500.00	30,846.14	101.13%	56,982.78
JOBGING INCOME (LOSS)	141,590.00		141,590.00	894,477.48	631.74%	216,416.62
INTEREST ON LONG TERM INDEBTEDNESS	(1,574,300.00)		(1,574,300.00)	(1,528,098.35)	97.07%	(1,499,816.91)
NET INCOME (LOSS)	9,053,150.00	(956,224.18)	8,096,925.82	5,978,958.21	73.84%	4,338,127.24
OPERATING TRANSFERS IN (OUT)	(10,429,610.00)		(10,429,610.00)	(10,429,610.04)	100.00%	(10,071,610.04)
NET INCOME AFTER TRANSFERS	(1,376,460.00)	(956,224.18)	(2,332,684.18)	(4,450,651.83)	190.80%	(5,733,482.80)
CONTRIBUTION IN AID			-			
FEDERAL AID - CAPITAL PROJECTS			-			
REGULAR CAPITAL MAINTENANCE	(3,505,530.00)	(309,896.39)	(3,815,426.39)	(3,119,277.53)	81.75%	
CAPITAL PROJECTS	(500,000.00)	(8,631,948.27)	(9,131,948.27)	(11,345,693.05)	124.24%	
DEBT SERVICE	(2,916,660.00)		(2,916,660.00)	(3,011,279.49)	103.24%	
DEPRECIATION	8,573,000.00		8,573,000.00	8,175,326.52	95.36%	
CONTINGENCY	(500,000.00)		(500,000.00)	-	0.00%	

UTILITY FUNDS  
STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET ASSETS - UNAUDITED  
FOR THE PERIOD ENDED JUNE 30, 2020

**TELECOMMUNICATIONS - PRE-CLOSING**

	<u>ORIGINAL BUDGET 2019-20</u>	<u>ADJUSTMENTS AND CARRYFORWARDS</u>	<u>CURRENT BUDGET 2019-20</u>	<u>JUNE 2020</u>	<u>PERCENT OF CURRENT BUDGET</u>	<u>JUNE 2019</u>
OPERATING REVENUE	560,000.00		560,000.00	613,226.88	109.50%	889,155.28
COST OF SALES						
PURCHASED SERVICES	57,000.00		57,000.00	60,543.70	106.22%	57,548.58
PRODUCTION			-	-		-
TOTAL COST OF SALES	<u>57,000.00</u>	<u>-</u>	<u>57,000.00</u>	<u>60,543.70</u>		<u>57,548.58</u>
GROSS PROFIT	503,000.00	-	503,000.00	552,683.18		831,606.70
GROSS PROFIT %	89.82%		89.82%	90.13%		93.53%
OPERATING EXPENSES						
TRANSMISSION & TREATMENT			-	-		-
ENGINEERING			-	-		-
DISTRIBUTION			-	-		-
SERVICE			-	-		-
METERS & REGULATORS			-	-		-
BAD DEBT			-	(340.08)		450.85
GENERAL & ADMINISTRATIVE	<u>907,790.00</u>	<u>5,012.50</u>	<u>912,802.50</u>	<u>930,473.51</u>	<u>101.94%</u>	<u>774,994.06</u>
TOTAL OPERATING EXPENSES	907,790.00	5,012.50	912,802.50	930,133.43	101.90%	775,444.91
OPERATING INCOME (LOSS)	<u>(404,790.00)</u>	<u>(5,012.50)</u>	<u>(409,802.50)</u>	<u>(377,450.25)</u>	<u>92.11%</u>	<u>56,161.79</u>
NON-OPERATING REVENUE (EXPENSE)						
INTEREST INCOME ON INVESTMENTS	16,880.00		16,880.00	24,404.59	144.58%	35,223.07
RECOVERIES AND REBATES	-		-	-		11,961.78
GAIN/LOSS ON DISPOSAL	-		-	-		-
JOBGING INCOME (LOSS)	22,130.00		22,130.00	980.57	4.43%	16,952.08
INTEREST ON LONG TERM INDEBTEDNESS	-		-	-		-
NET INCOME (LOSS)	<u>(365,780.00)</u>	<u>(5,012.50)</u>	<u>(370,792.50)</u>	<u>(352,065.09)</u>	<u>94.95%</u>	<u>120,298.72</u>
OPERATING TRANSFERS IN (OUT)	<u>(81,000.00)</u>		<u>(81,000.00)</u>	<u>(81,000.00)</u>	<u>100.00%</u>	<u>(81,000.00)</u>
NET INCOME AFTER TRANSFERS	<u>(446,780.00)</u>	<u>(5,012.50)</u>	<u>(451,792.50)</u>	<u>(433,065.09)</u>	<u>95.85%</u>	<u>39,298.72</u>
CONTRIBUTION IN AID			-		0.00%	
REGULAR CAPITAL MAINTENANCE	(25,000.00)		(25,000.00)	(52,927.93)	211.71%	
CAPITAL PROJECTS	(250,000.00)	(464,478.49)	(714,478.49)	(245,351.63)	34.34%	
DEPRECIATION	476,620.00		476,620.00	430,265.16	90.27%	
CONTINGENCY			-			

**GAS OPERATING STATISTICS  
YTD June 2020 and 2019**

	YTD		YTD	YTD
	2020	2019	Change	% Change
<b>NUMBER OF CUSTOMERS:</b>				
Residential	13,105	13,168	-63	-0.4784%
Commercial	1,499	1,509	-10	-0.6627%
Small Firm Industrial	14	14	0	0.0000%
Municipal	53	54	-1	-1.8519%
Large Firm Industrial	5	5	0	0.0000%
Interruptible Industrial	6	6	0	0.0000%
Industrial Transportation	8	8	0	0.0000%
Interruptible Commercial	1	1	0	0.0000%
Commercial Transportation	8	8	0	0.0000%
<b>TOTAL CUSTOMERS</b>	<b>14,699</b>	<b>14,773</b>	<b>-74</b>	<b>-0.5009%</b>
<b>NATURAL GAS SALES-DEKATHERMS:</b>				
Residential	747,194	820,207	-73,013	-8.9018%
Commercial	412,084	466,199	-54,115	-11.6077%
Small Firm Industrial	35,300	39,580	-4,280	-10.8135%
Municipal	19,538	23,317	-3,779	-16.2071%
Large Firm Industrial	31,440	100,796	-69,356	-68.8083%
Interruptible Industrial	1,466,139	1,728,739	-262,600	-15.1903%
Industrial Transportation	230,056	268,929	-38,873	-14.4547%
Interruptible Commercial	107,073	104,772	2,301	2.1962%
Commercial Transportation	6,146	6,152	-6	-0.0975%
<b>TOTAL DEKATHERMS</b>	<b>3,054,970</b>	<b>3,558,691</b>	<b>-503,721</b>	<b>-14.1547%</b>

**ELECTRIC OPERATING STATISTICS  
YTD June 2020 and 2019**

	YTD		YTD	YTD
	2020	2019	Change	% Change
<b>NUMBER OF CUSTOMERS:</b>				
Residential	36,876	36,893	-17	-0.0461%
Commercial	4,731	4,719	12	0.2543%
Industrial	17	21	-4	-19.0476%
High Load Factor	8	8	0	0.0000%
Municipal	282	278	4	1.4388%
Outdoor Lighting	5,935	5,976	-41	-0.6861%
<b>TOTAL CUSTOMERS</b>	<b>47,849</b>	<b>47,895</b>	<b>-46</b>	<b>-0.0960%</b>
<b>KILOWATT HOURS SALES:</b>				
Residential	446,773,431	464,997,994	-18,224,563	-3.9193%
Commercial	258,335,828	266,191,355	-7,855,527	-2.9511%
Industrial	18,865,730	43,793,340	-24,927,610	-56.9210%
High Load Factor	135,240,000	143,559,600	-8,319,600	-5.7952%
Municipal	22,063,043	22,494,812	-431,769	-1.9194%
Outdoor Lighting	14,723,356	14,797,733	-74,377	-0.5026%
<b>TOTAL KILOWATT HOURS</b>	<b>896,001,388</b>	<b>955,834,834</b>	<b>-59,833,446</b>	<b>-6.2598%</b>

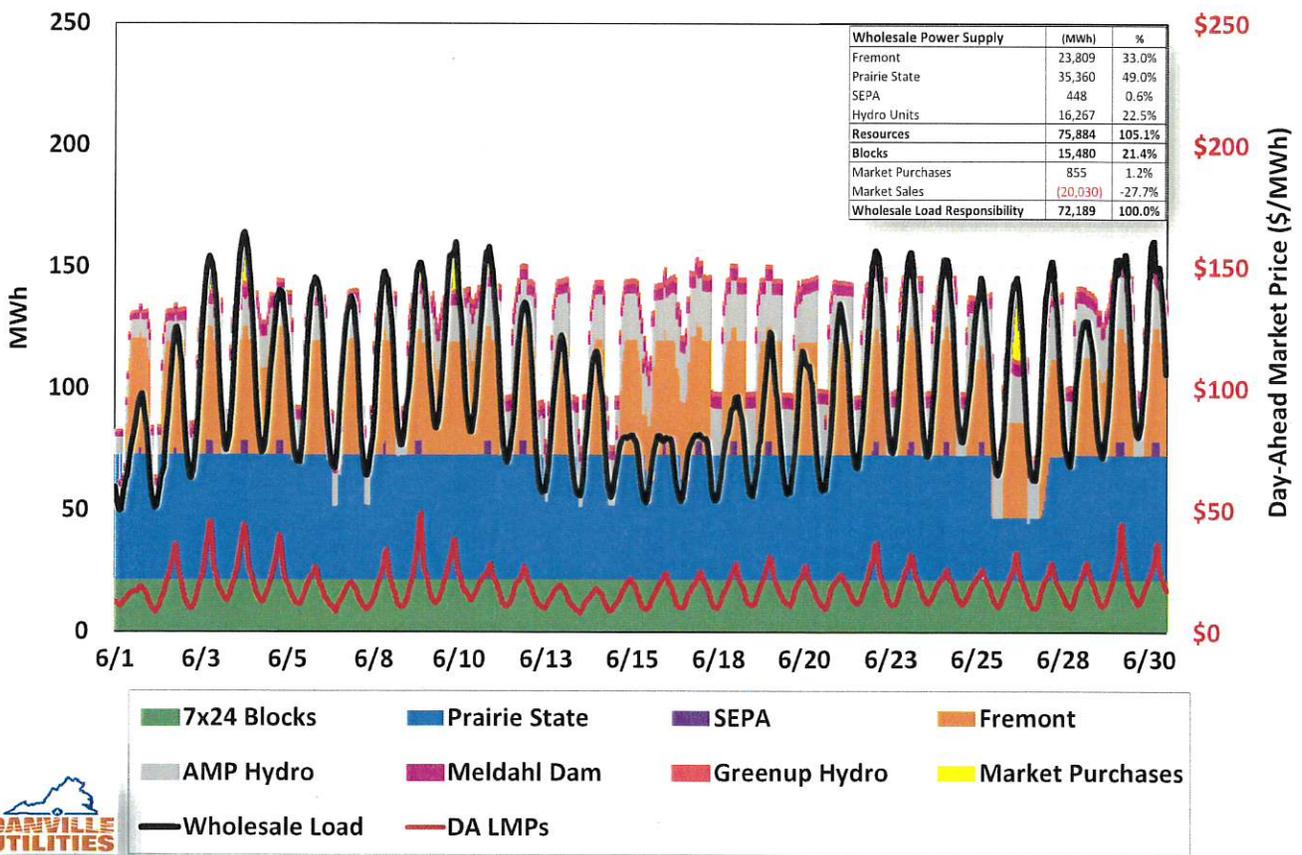
BILLING MONTH	TOTAL POWER COST	HLF POWER COST	NON-HLF POWER COST	TOTAL kWh SALES	HLF kWh SALES	NON-HLF kWh SALES	PCA / kWh	POWER COST / kWh RECOVERED IN BASE RATE	TOTAL POWER COST / kWh RECOVERED	HLF STRANDED COSTS RECOVERED	NON-HLF POWER COST RECOVERED	NON-HLF POWER COST OVER / (UNDER) RECOVERY	ADJUSTMTS	CUMULATIVE POWER COST RECOVERY NON-HLF CUSTOMERS (+ / - \$4,000,000)	
Jan-20	\$ 7,831,078.21	\$ 1,036,600.01	\$ 6,794,478.20	75,433,997	9,985,200	65,448,797	\$0.007500	\$0.086200	\$0.093700		\$ 6,132,552.28	\$ (661,925.92)		\$ (3,718,573.31)	ACTUAL
Feb-20	\$ 7,441,443.97	\$ 1,081,524.76	\$ 6,359,919.21	78,099,315	11,350,800	66,748,515	\$0.007500	\$0.086200	\$0.093700		\$ 6,254,335.82	\$ (105,583.39)		\$ (3,824,156.70)	ACTUAL
Mar-20	\$ 7,380,989.15	\$ 1,114,397.05	\$ 6,266,592.10	71,197,856	10,749,600	60,448,256	\$0.015000	\$0.086200	\$0.101200		\$ 6,117,363.55	\$ (149,228.55)		\$ (3,973,385.26)	ACTUAL
Apr-20	\$ 7,124,853.88	\$ 1,273,510.69	\$ 5,851,343.19	59,636,792	10,659,600	48,977,192	\$0.025000	\$0.086200	\$0.111200		\$ 5,446,263.76	\$ (405,079.43)		\$ (4,378,464.68)	ACTUAL
May-20	\$ 6,880,478.95	\$ 1,350,624.72	\$ 5,529,854.23	57,738,724	11,334,000	46,404,724	\$0.025000	\$0.086200	\$0.111200		\$ 5,160,205.35	\$ (369,648.88)		\$ (4,748,113.56)	ACTUAL
Jun-20	\$ 7,486,106.40	\$ 1,061,018.33	\$ 6,425,088.07	66,539,823	9,430,800	57,109,023	\$0.020000	\$0.086200	\$0.106200		\$ 6,064,978.27	\$ (360,109.80)		\$ (5,108,223.36)	ACTUAL
Jul-20	\$ 9,076,314.34	\$ 1,213,329.15	\$ 7,862,985.19	91,319,009	12,207,600	79,111,409	\$0.015000	\$0.086200	\$0.101200		\$ 8,006,074.55	\$ 143,089.36		\$ (4,965,134.01)	PROJECTED
Aug-20	\$ 8,417,048.48	\$ 1,195,291.26	\$ 7,221,757.22	91,143,929	12,943,200	78,200,729	\$0.015000	\$0.086200	\$0.101200		\$ 7,913,913.80	\$ 692,156.58		\$ (4,272,977.43)	PROJECTED
Sep-20	\$ 7,987,542.39	\$ 1,154,339.13	\$ 6,833,203.26	93,082,195	13,452,000	79,630,195	\$0.020000	\$0.086200	\$0.106200		\$ 8,456,726.71	\$ 1,623,523.45		\$ (2,649,453.98)	PROJECTED
Oct-20	\$ 8,162,434.21	\$ 1,342,969.69	\$ 6,819,464.52	77,529,680	12,756,000	64,773,680	\$0.030000	\$0.086200	\$0.116200		\$ 7,526,701.66	\$ 707,237.14		\$ (1,942,216.83)	PROJECTED
Nov-20	\$ 8,322,593.81	\$ 1,467,975.94	\$ 6,854,617.88	68,836,009	12,141,600	56,694,409	\$0.030000	\$0.086200	\$0.116200		\$ 6,587,890.35	\$ (266,727.53)		\$ (2,208,944.36)	PROJECTED
Dec-20	\$ 8,456,634.62	\$ 1,197,053.90	\$ 7,259,580.72	80,561,183	11,403,600	69,157,583	\$0.020000	\$0.086200	\$0.106200		\$ 7,344,535.34	\$ 84,954.62		\$ (2,123,989.74)	PROJECTED

Future months (still in blue) show projections.

After PGA's are calculated, hard code them before reconciling the month

Mo Rate Applied	WACOG		Demand Rate	Demand Rate	Adjustments	PGA (f)	PGA (i)	DEMAND Recovery	COMMODITY - Rolling Recovery			Adjustments	Commodity	
	WACOG	Plus Losses	Firm	Interruptible				(Independent of Commodity)	Monthly Commodity	Monthly Commodity	Monthly Commodity		Over (Under)	
								Cum Over (Under) Demand Recovery Current FY	Cost	Recovered	Over (Under) Recovery		Recovery Balance Over (Under) +/- \$2,000,000	
Jan-20	\$ 3.79668	\$ 3.79668	\$ 3.27340	\$ 0.2500	\$ (0.54742)	\$ 6.15030	\$ 3.12690	\$ (383,713.51)	\$ 1,244,832.04	\$ 914,105.76	\$ (330,726.28)		\$ (182,616.43)	Final
Feb-20	\$ 3.73271	\$ 3.73271	\$ 3.24525	\$ 0.2500	\$ (0.58050)	\$ 6.52069	\$ 3.52544	\$ 47,996.24	\$ 1,060,153.52	\$ 1,068,062.17	\$ 7,908.65		\$ (174,707.78)	Final
Mar-20	\$ 3.80363	\$ 3.80363	\$ 3.24525	\$ 0.2500	\$ -	\$ 6.30742	\$ 3.31217	\$ 333,765.29	\$ 696,768.59	\$ 859,097.77	\$ 162,329.18		\$ (12,378.59)	Final
Apr-20	\$ 3.23814	\$ 3.23814	\$ 3.24525	\$ 0.2500	\$ (0.33000)	\$ 6.70299	\$ 3.70774	\$ 317,077.28	\$ 420,515.36	\$ 399,008.99	\$ (21,506.37)		\$ (33,884.96)	Final
May-20	\$ 2.89222	\$ 2.89222	\$ 1.55000	\$ 0.2500	\$ (0.58000)	\$ 3.82247	\$ 2.52247	\$ 101,422.88	\$ 410,659.70	\$ 347,032.34	\$ (63,627.36)		\$ (97,512.32)	Final
Jun-20	\$ 3.92701	\$ 3.92701	\$ -	\$ 0.2500		\$ 3.95494	\$ 4.20494	\$ (146,913.88)	\$356,797.74	\$ 433,064.51	\$ 76,266.77		\$ (21,245.56)	Final
Jul-20	\$ 3.60550	\$ 3.60550	\$ -	\$ -		\$ 3.62684	\$ 3.62684	\$ 495,494.94	\$ 362,382.96	\$ 334,836.49	\$ (27,546.47)		\$ (48,792.03)	Est
Aug-20	\$ 3.01369	\$ 3.01369	\$ -	\$ -	\$ (0.09800)	\$ 2.91569	\$ 2.91569	\$ 222,480.52	\$ 397,741.09	\$ 329,367.76	\$ (68,373.33)		\$ (117,165.35)	Est
Sep-20	\$ 4.38646	\$ 4.38646	\$ -	\$ -	\$ (0.09800)	\$ 4.28846	\$ 4.28846	\$ (41,486.27)	\$ 423,394.02	\$ 446,362.44	\$ 22,968.42		\$ (94,196.94)	Est
Oct-20	\$ 3.93024	\$ 3.93024	\$ -	\$ -	\$ (0.09800)	\$ 3.83224	\$ 3.83224	\$ (314,500.68)	\$ 575,758.83	\$ 467,041.39	\$ (108,717.44)		\$ (202,914.37)	Est
Nov-20	\$ 3.76865	\$ 3.76865	\$ 2.13054	\$ -	\$ (0.09800)	\$ 5.80119	\$ 3.67065	\$ (374,599.71)	\$ 1,015,177.17	\$ 785,362.19	\$ (229,814.98)		\$ (432,729.35)	Est
Dec-20	\$ 3.59991	\$ 3.59991	\$ 2.13054	\$ -	\$ (0.09800)	\$ 5.63245	\$ 3.50191	\$ (199,771.22)	\$ 1,288,953.95	\$ 1,180,465.99	\$ (108,487.96)		\$ (541,217.31)	Est

## Hourly Danville Wholesale Power Supply June 2020





Commission Item Number: DUC200824 - 2  
Utility Commission Meeting: August 24, 2020  
Item: II. C. Proposed Sewer Use Ordinance

### **Proposed Sewer Use Ordinance**

Alan Johnson, Division Director of Water and Wastewater Treatment, will describe the proposed changes to the sewer use ordinance. The changes are required to meet EPA and DEQ treatment regulations. We also took the opportunity to update obsolete language in the current sewer use ordinance.

### **Recommendation**

**I move that the Danville Utility Commission recommend to City Council updating the City's sewer use ordinance to comply with current EPA and DEQ regulations.**





Alan Johnson

Director of Water and Wastewater  
Treatment

## **Sewer Use Ordinance (SUO) changes**



DEQ implemented regulations on streamlining the format of existing ordinances so all would be consistent in formatting and language.

Notable changes to existing SUO are indicated below:

- Added in some additional Optional/Voluntary Streamlining Measures; some of the possible DEQ suggestions were already included in previous version. There were a couple of inclusions from the National Categorical Pretreatment Standards. Mass Limitations and Non-significant CIU Certification (part of that was missing).
- Insertion of table with Local Limits

Parameter	Concentration
Total Arsenic	0.100 ppm
Total Cadmium	0.050 ppm
Total Chromium	1.000 ppm
Total Copper	3.000 ppm
Total Cyanide	0.150 ppm
Total Lead	0.350 ppm
Total Mercury	0.040 ppm
Total Molybdenum	2.000 ppm
Total Nickel	2.000
Total Selenium	0.200 ppm
Total Silver	0.050 ppm
Total Zinc	7.000 ppm

**From**

- Section and subsection
- Assistant City Manager for Utilities
- Significant industrial user
- Sludge
- Additional Virginia & EPA code references
- Various abbreviations inserted
- Realignment of Sec. numerations
- Waste discharge pH range change
- Insertion of required language and formats from DEQ

**To**

Sec.  
 Director of Utilities  
 (SIU)  
 biosolids  
 40 CFR 403.12 and 9VAC25-31-840  
 DEQ, NOV, EPA  
 Sec. ~~34-118~~  
 five (~~5~~ six (6.0) S.U. or more then twelve (12.0) S.U.



The DEQ reviewer utilizes 20 EPA check lists to insure that our SUO follows their ridged guide lines for format and language. Examples shown below

**CHECKLIST – PRETREATMENT PROGRAM LEGAL AUTHORITY REVIEWS**

NAME OF POTW: City of Danville WWTP

DATE OF REVIEW: October 2019

Note: Several changes to the National Pretreatment Regulations made as a result of the Streamlining Rule are more stringent than the previous Federal requirements and therefore are considered required modifications for the POTW. Therefore, to the extent that existing POTW legal authorities are inconsistent with these required changes, they must be revised. Where local authorities are already consistent with these required provisions, further changes are not necessary. *Virginia regulation citations noted.*

NONE = No revision necessary

REQ = Require Revision

REC = Recommend Revision

Part 403 Citation	Virginia 9 VAC 25-31-	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
<b>A. Definitions [403.3 &amp; 403.8(f)(2)]</b>							
1. Act, Clean Water Act	403.3(b)	10	§ 1.4 A				Sec. 34-3
2. Authorized or Duly Authorized Representative of the User	403.12(i)	840 L	§ 1.4 C			X	Sec. 34-3 Definition revised to reflect new definition in the regulation and Model SUO
3. Best Management Practices or BMPs	403.3(e)	10	§ 1.4 E				TBD
4. Categorical Pretreatment Standard or Categorical Standard			§ 1.4 F				Sec. 34-3
5. Indirect Discharge or Discharge	403.3(i)	10	§ 1.4 M				Sec. 34-3
6. Industrial User (or equivalent)	403.3(j)	10	§ 1.4 LL				Sec. 34-3
7. Interference	403.3(k)	10	§ 1.4 O				Sec. 34-3
8. National Pretreatment Standard, Pretreatment Standard or Standard	403.3(l)	10	§ 1.4 BB				Sec. 34-3
9. New Source	403.3(m)	10	§ 1.4 T				Sec. 34-3
10. Pass Through	403.3(p)	10	§ 1.4 V				Sec. 34-3
11. Pretreatment Requirement	403.3(i)	10	§ 1.4 AA				Sec. 34-3
12. Publicly Owned Treatment Works or POTW	403.3(q)	10	§ 1.4 DD				Sec. 34-3
13. Significant Industrial User <i>[NOTE: §1.4 GG(3) is an optional streamlining provision for Non-Significant Categorical Industrial User classification.]</i>	403.3(v)	10	§ 1.4 GG				Sec. 34-3
14. Significant Noncompliance	403.8(f)(2)(vii)	800 F.2.g	§ 9 (A-H)				Sec. 34-3

Office of Water  
EPA-833-B-07-001  
February 2007

NONE = No revision necessary

REQ = Require Revision

REC = Recommend Revision

Part 403 Citation	Virginia 9 VAC 25-31-	Model SUO Section	REVISIONS			POTW Ordinance Section	Comments / Notes
			NONE	REQ	REC		
15. Slug Load or Slug Discharge	403.8(f)(2)(vi)	800 F.2.f	§ 1.4 HH			X	Sec. 34-3 Replaced the definition 'Slug' with the Model SUO 'Slug Load or Slug Discharge.'
16. Other definitions based on terms used in the POTW Ordinance							Sec. 34-3
<b>B. National Pretreatment Standards – Prohibited Discharges</b>							
<b>1. General Prohibitions</b>							
a. Interference	403.5(a)	770 A	§ 2.1A				Sec. 34-8(a)
b. Pass Through	403.5(a)	770 A	§ 2.1A				Sec. 34-8(a)
<b>2. Specific Prohibitions [403.5(b)]</b>							
a. Fire/Explosion Hazard (60° C or 140° F flashpoint)	403.5(b)(1)	770 B.1	§ 2.1B(1)				Sec. 34-8.(b)(1)
b. pH/Corrosion	403.5(b)(2)	770 B.2	§ 2.1B(2)				Sec. 34-8.(b)(3)
c. Solid or Viscous/Obstruction	403.5(b)(3)	770 B.3	§ 2.1B(3)				Sec. 34-8.(b)(2)
d. Flow Rate/Concentration (BOD, etc.)	403.5(b)(4)	770 B.4	§ 2.1B(4)				Sec. 34-8.(b)(4)
e. Heat; exceeds 40° C (104°F)	403.5(b)(5)	770 B.5	§ 2.1B(5)				Sec. 34-8.(b)(7)
f. Petroleum/Nonbiodegradable Cutting/Mineral Oils	403.5(b)(6)	770 B.6	§ 2.1B(6)				Sec. 34-8.(b)(9)
g. Toxic Gases/Vapor/Fumes	403.5(b)(7)	770 B.7	§ 2.1B(7)				Sec. 34-8.(b)(10)
h. Trucked/Hauled Waste	403.5(b)(8)	770 B.8	§ 2.1B(8)				Sec. 34-8.(b)(20)

Office of Water  
EPA-833-B-07-001  
February 2007



Questions?

Chapter 34 - ~~SEWERS AND SEWAGE DISPOSAL~~<sup>141</sup>

**WASTEWATER COLLECTION AND DISPOSAL**

Footnotes:

~~---(1)---~~

**Editor's note**— Ord. No. 2005-05.04, adopted May 17, 2005, amended Ch. 34 in its entirety to read as herein set out. Former Ch. 34, §§ 34.1—34.37, 34.47—34.64, 34.71—34.74, 34.79, 34.80, 34.94—34.100, pertained to similar subject matter, and derived from Ord. No. 90-2.11, § 2, adopted Feb. 6, 1990; Ord. No. 92-5.4, §§ 2—5, adopted May 7, 1992; Ord. No. 93-9.7, adopted Sept. 7, 1993; Ord. No. 93-9.9, adopted Sept. 7, 1993.

**Cross reference**— Director of Community Development and Engineering to have control of design and planning of sewers and treatment plants, § 2-177; building and development regulations generally, Ch. 9; storm drainage, § 9-151 et seq.; erosion and sediment control, Ch. 13; garbage and refuse, Ch. 17; subdivisions, Ch. 35.5; utility services, Ch. 38; zoning, Ch. 41.

**State Law reference**— Authority of city to establish, maintain and operate sewage disposal systems, Code of Virginia, § 15.2-2122; authority to regulate sewage disposal, § 15.2-2157; sewage disposal generally, § 32.1-163 et seq.

~~ARTICLE I. - IN GENERAL~~

Article I. In General, §§ 34.1 – 34.32

Division 1. Generally, §§ 34.1 – 34.20

Division 2. Enforcement, §§ 34.21 – 34.32

Article II. Standards for Industrial Waste Dischargers, §§ 34.33 – 34.64

Article III. Building Sewers, §§ 34.65 – 34.78

Article IV. Fees, §§ 34.79 – 34.93

Article V. Private Wastewater Disposal Systems, §§ 34.94 – 34.101

**Chapter 34 - WASTEWATER COLLECTION AND DISPOSAL**

Article I. In General

**DIVISION 1. - GENERALLY**

Sec. 34-1. - Objectives.

- (a) The purpose of this chapter is to regulate the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of ~~waste~~ wastewater into the City's sewer system, to establish uniform requirements for direct and indirect discharges into the City's sewers, to provide for maximum beneficial public use of the City's wastewater facilities and to comply with all applicable state and federal laws including the "Clean Water Act of 1977, as amended," and the General Pretreatment Regulations (40 Code of Federal

Regulations (CFR) Part 403 and the VPDES Permit Regulation (9VAC25-31-10 et seq.). The objectives of this chapter are:

- (1) To prevent the introduction of harmful materials into the City's sewer system which may interfere with the collection system, treatment plant operations, sludge management program, or which will "pass through" the treatment process without adequate treatment into the receiving environment or otherwise be incompatible with the system;
  - (2) To establish administrative procedures for the approval of sewer construction plans, issuance of permits, issuance of minimum sewer connection standards, and set penalties and procedures to be followed in case of violation of this chapter;
  - (3) To enhance the opportunity for recycling, reclamation, and reuse of the wastewater treatment plant's effluent and allow continued utilization of wastewater ~~sludges~~ biosolids generated as a soil amendment or conditioner;
  - (4) To protect both Publicly Owned Treatment Works (PTOW) personnel who may be affected by wastewater and ~~sludges~~ biosolids in the course of their employment and the general public;
  - (5) To enable the City to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, ~~sludges~~ biosolids use and disposal requirements, and any other Federal or State laws to which the ~~Publicly Owned Treatment Works~~ PTOW is subject; and
  - (6) To provide for the equitable distribution of the cost of sewer service to all users.
- (b) This chapter is intended to provide for the regulation of contributors to the municipal wastewater system through the issuance of permits to users, through enforcement of general requirements for all users, through monitoring and enforcement activities, through user reporting requirements, and assures that existing customer's capacity will not be preempted. This chapter further provides for the setting of fees for the purpose of equitably distributing the costs of the program established herein. This chapter shall apply within the City of Danville, Virginia, and to persons outside the City who are, by contract or agreement with the City, users of the City's POTW.

Except as otherwise provided herein, the City Manager, or his/her designated representative Director of Utilities, shall administer, implement, and enforce the provisions of this chapter.

Applicable state and federal standards and limitations shall constitute the minimum standards and limitations acceptable for this chapter; however, if the standards and limitations contained in this chapter are, or become, more restrictive than federal or state standards because of special local requirements or because of changes in federal or state law, then the more restrictive standards and limitations contained herein shall apply.

(Ord. No. 2005-05.04, 5-17-05)

#### Sec. 34-2. - General definitions.

Unless the context or usage indicates otherwise, the meaning of terms used in this chapter and not defined in ~~Section~~ Sec. 34-3 shall be defined as shown in the "Glossary: Water and Wastewater Control Engineering," current edition, prepared by the joint editorial board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association, and ~~Water Pollution Control~~ Environment Federation.

(Ord. No. 2005-05.04, 5-17-05)

#### Sec. 34-3. - Specific definitions.

The following words, terms, phrases, and abbreviations, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Act or the Act* shall mean The Federal Water Pollution Control Act, also known as the Clean Water Act and the Water Quality Act of 1987, 33 U.S.C. 1251, et. seq.

*Approval authority* shall mean the Executive Director or Director of the Department of Environmental Quality of the Commonwealth (DEQ).

*ASTM* shall mean the American Society for Testing and Materials.

*Authorized representative of an industrial user* shall mean:

- (1) If the user is a corporation:
  - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of the 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 operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty five million dollars (\$25,000,000.00), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.~~
  - b. The manager of one or more manufacturing, production, or operation 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 subsections (1) through (3), above, may designate another 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 the City.

*Baseline monitoring report or BMR* shall mean a report that conforms to the provisions of 40 CFR Part 403.12(b) and 9 VAC 25-31-840-B contains the information and data contained therein.

*Best Management Practices or BMPs* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Sec. IV (40 CFR 403.5(a)(1) and (b); 9VAC25-31-770 A and 770 B). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

*Biochemical oxygen demand or BOD<sub>5</sub>* shall mean a standard test used in assessing sewage wastewater strength. The measure of decomposable organic material in domestic or industrial wastewater as represented by the oxygen utilized over a period of five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter) (mg/L) and as determined by the appropriate EPA approved procedure in "Standard Methods."

*Building sewer* shall mean a sewer conveying wastewater from the premises of a user to the POTW's collection system. The building sewer from the street right-of-way to the user's home or business is located on private property and owned by the customer or property owner served.

*Categorical or pretreatment standards* shall mean 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.

*CFR* shall mean the Code of Federal Regulations.

*City* shall mean the City of Danville, Virginia, or any duly authorized official(s) acting on behalf of the City.

*COD* shall mean chemical oxygen demand.

*Commercial user* shall mean any nonresidential user not included within the definition of an "industrial user" and which is connected to the City's sewer system.

*Compatible pollutant* shall mean a pollutant such as biochemical oxygen demand, suspended solids and pH; or any additional pollutants identified in the POTW's Virginia Pollutant Discharge Elimination System (VPDES) permit, where the POTW is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the POTW's VPDES permit.

*Contract hauler* shall mean any person that, under contract, hauls wastewater by tanker trucks to the City of Danville POTW for disposal and treatment.

*Control authority* shall refer to the City Manager or the Assistant City Manager for Utilities Director of Utilities or his/her designated representative, who is granted authority herein for implementing and enforcing a state-approved pretreatment program. On any occasion that the Assistant City Manager for Utilities Director of Utilities is not available through illness or other absence, or if that position is vacant or eliminated, the control authority shall be the Director of the Division of Water and Wastewater Treatment.

*Cooling water* shall mean the water discharged from any source to which the only pollutant added is heat.

*Day* shall mean the twenty-four-hour period beginning at 12:01 a.m.

*Direct discharge* shall mean the discharge of wastewater, treated or untreated, into any natural or artificial drainage system, which is not included within the definition of POTW.

*Director of Utilities* shall mean the person who holds that position; however, on any occasion that the Director of Utilities is not available through illness or other absence, or if that position is vacant or eliminated, the Director of the Division of Water and Wastewater Treatment will exercise any authority and perform any duty which, under the provisions of this chapter, is to be exercised or performed by the Director of Utilities.

*Director of Water and Wastewater Treatment*, referred to as Director here-in-after, is the person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative.

*Discharger* shall mean a person who discharges wastewater into the City's POTW.

*Environmental Protection Agency or EPA* shall mean the United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director or other duly authorized officials of said agency.

*Existing source* shall mean any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

~~*Floatable oil* shall mean oil, fat, or grease, in a physical state such that it floats on the surface of the wastewater.~~

*gpd* shall mean gallons per day.

*Grab sample* shall mean a sample, which is taken from a wastewater stream on a one time basis with no regard to the flow in the wastewater stream and over a period of time not to exceed fifteen (15) minutes.

*Hazardous waste pharmaceutical* is a pharmaceutical that is a solid waste, as defined in 40 CFR Part 261.2, and exhibits one or more characteristics identified in Part 261 Subpart C or is listed in Part 261 Subpart D.

*Healthcare facility* is any person that is lawfully authorized to (1) provide preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or (2) distribute, sell, or dispense pharmaceuticals, including over-the-counter pharmaceuticals, dietary supplements, homeopathic drugs, or prescription pharmaceuticals.

*Incompatible pollutant* shall mean any pollutants other than a compatible pollutant as defined herein.

*Indirect discharge* shall mean the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307 (b), (c) or (d) of the Act.

*Industrial user* shall mean any source of indirect discharge that introduces pollutants into a POTW from any nondomestic source regulated under the Act, State law, or local ordinance.

*Industrial wastewater discharge permit hearing officer (hearing officer)* shall mean a duly authorized agent of the City appointed by the City Manager or his/her designated representative to conduct hearings in accordance with this chapter.

*Inspector* shall mean a plumbing inspector, building inspector, industrial pretreatment ~~coordinator~~ manager or other person duly authorized by the City to inspect wastewater generation, conveyances, processes, pretreatment and disposal facilities that are connected to and discharge into the City's POTW.

*Instantaneous maximum allowable discharge limit* shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

*Interference* shall mean a discharge, which 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; and therefore, is a cause of a violation of (the City's) NPDES permit or of the prevention of ~~sewage sludge~~ biosolids 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~~ biosolids 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.

*Interjurisdictional agreement* shall mean a contractual agreement between the City of Danville and any other political subdivision or political subdivisions relating to the discharge of wastewater from such political subdivision(s) into the City's POTW and which provides for enforcement by such political subdivision(s) of pretreatment standards required by the City or by state or federal law. The City will administer and enforce the pretreatment standards for such political subdivision if both mutually agree to do so.

L shall mean liter.

*May* shall mean permissive.

*Maximum permissible concentration* shall mean the highest allowable constituent concentration contained in a direct or indirect discharge into the City's POTW.

*Medical waste* shall mean isolation waste, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

*µg* shall mean micrograms.

*µg/L* shall mean micrograms per liter (see ppb)

*mg* shall mean milligrams.

*mg/L* shall mean milligrams per liter.

*National categorical pretreatment standard or pretreatment standard* shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act.

*National pollution discharge elimination system or NPDES permit* shall mean the National Pollution Discharge Elimination System permit program.

*New source* shall mean:

- (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 which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
  - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - c. The production or wastewater generating processes of the building, structure, facility, or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity, as the existing source should be considered.
- (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 subsection (1)b. of this definition 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:
    1. Any placement, assembly, or installation of facilities or equipment; or
    2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities, which is necessary for the placement, assembly, or installation of new source facilities or equipment.
  - 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 contract for feasibility, engineering, and design studies, do not constitute a contractual obligation under this paragraph.

*Noncontact cooling water* means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Normal wastewater: Wastewater discharged into the public sewer in which all of the following average concentrations and flows are not exceeded:

- (1) BOD<sub>5</sub>: Less than or equal to 300 mg/L.
- (2) Total Suspended Solids: Less than or equal to 300 mg/L.
- (3) Total Kjeldahl Nitrogen: Less than or equal to 34.0 mg/L.
- (4) Ammonia: Less than or equal to 17 mg/L.
- (5) Flow: Less than 25,000 gallons per day.
- (6) No toxic or harmful substances are present.

North American Industry Classification System (NAICS) shall mean a classification for industries used by business and government to classify business establishments according to type of economic activity (process of production) in Canada, Mexico and the United States of America. It has largely replaced the older Standard Industrial Classification (SIC) system; however, certain government departments and agencies, still use the SIC Codes.

*Occupant* shall mean a person who is in control of or in actual possession of, or actually occupies a dwelling unit or building.

*Overload* means the imposition of any pollutant or other substance or hydraulic loading on the City's POTW in excess of its designed or legally authorized capacity.

*Owner* shall mean a person who holds legal title to a dwelling unit, building, or facility and an agent having charge, care, management or control of same.

*Pass through* shall mean a discharge which exits the POTW into waters of the United States 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 City of Danville VPDES permit including an increase in the magnitude or duration of a violation.

*Person* shall mean 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. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context. This definition includes all Federal, State and local government entities.

pH is a measure of inverse of the hydrogen ion concentration in a liquid which has a scale of 1 to 14 with 7 being neutral. Some may refer to pH as a measure of the acidity or alkalinity of a solution expressed in standard units (S.U.).

Pharmaceutical is any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (e.g., pre-filled cartridges or vials.)

*Pollutant* shall mean any substance, radioactive material, or heat which causes or contributes to, or may cause or contribute to, pollution, including, but not limited to, dredge spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, biological material, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt or industrial, municipal, or agricultural waste and certain characteristics of wastewater (e. g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

ppb shall mean parts per billion (see µg/L).

ppm shall mean parts per million (see mg/L).

*Pretreatment* shall mean the reduction of the amount of pollutants, 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; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

*Pretreatment requirements* shall mean any substantive or procedural requirements related to pretreatment imposed on a user other than a pretreatment standard.

*Pretreatment standard* or ~~standards~~ shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

*Prohibited discharge standards or prohibited discharges* shall mean absolute prohibitions against the discharge of certain substances; ~~these prohibitions~~ which appear in ~~section~~ Sec 34-8.

*Publicly owned treatment works* or POTW means a "treatment works," as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by the City. 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.

~~POTW treatment plant shall mean that portion of the POTW designed to provide treatment to wastewater.~~

*Radiation* shall mean emission of gamma and x-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other nuclear particles, but not sound or radio waves or visible, infrared or ultraviolet light.

*Radioactive material* shall mean any material, solid, liquid, or gas that emits radiation spontaneously.

*RCRA* shall mean Resource Conservation and Recovery Act.

*Residential user* shall mean a user who discharges wastewater from premises used only for human residency, which is served by the City's sewer system.

*Reverse distributor* is any person that receives and accumulates prescription pharmaceuticals that are potentially creditable hazardous waste pharmaceuticals for the purpose of facilitating or verifying manufacturer credit.

*Septic tank waste* means sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

*Sewage* means human excrement and gray water (household showers, dishwashing operations, etc.).

*Sewer or sewer system* shall mean that portion of the POTW designed to convey wastewater to the POTW treatment plant.

*Shall shall* mean mandatory.

*Significant industrial user (SIU)* shall mean:

- (1) A user subject to categorical pretreatment standards; or
- (2) A 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 ~~treatment plant~~; or
  - c. Is designated as such by the City of Danville 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) Upon a finding that a user meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City of Danville may, at any time, on its own initiative or in response to a

petition received from a user and in accordance with procedures in 40 CFR 403.8(f) (6) and 9VAC25-31-800 F.6., determine that such user should not be considered a significant industrial user.

- (4) The City 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 City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
  - (b) The Industrial User annually submits the certification statement required in Sec. 34-36.(e) together with any additional information necessary to support the certification statement; and
  - (c) The Industrial User never discharges any untreated concentrated wastewater.
- (5) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City 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) and 9VAC25-31-800.F.6, determine that such User should not be considered a Significant Industrial User.

*Significant noncompliance* shall mean any violation of this chapter, which meets one (1) or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the ~~daily maximum limit or the average limit for the same pollutant parameter;~~ numeric pretreatment standard or requirement including instantaneous limits as defined by 9VAC25-31-10;
- (2) Technical review criteria (TRC) violations, defined here as those in which thirty-three (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 ~~daily maximum limit or the average limit multiplied~~ numeric pretreatment standard or requirement including instantaneous limits as defined by 9VAC25-31-10 multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment ~~effluent limit (daily~~ standard or requirement as defined by 9VAC25-31-10 (Daily maximum or long term average, instantaneous limits, or narrative standard) that the ~~Control Authority City~~ determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the POTW's exercise of its emergency authority ~~under 40 CFR 403.3~~ to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within ~~thirty (30~~ forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; and

- (8) Any other violation ~~or group(s)~~, which may include a violation of ~~violations~~ Best Management Practices, which the ~~Control Authority~~ City determines, will adversely affect the operation or implementation of the local pretreatment program.

~~Slug shall mean any discharge of water, sewage, or industrial wastes which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, five (5) times the average twenty four (24) hours concentration or flows during normal operating level or which adversely affects the wastewater system.~~

~~Soluble oil shall mean oils, which are either of mineral or vegetable origin and disperse in water or sewage at temperatures of 32°F to 104°F (0°-40°C). For the purposes of this chapter, emulsified oil shall be considered as soluble oil.~~

Slug load or slug discharge shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Sec. 34-8 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.

Standard industrial classification (SIC) shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987, or any amended or revised edition thereof. This classification system has been largely replaced by the NAICS.

Standard methods shall mean the publication, entitled "Standard Methods for the Examination of Water and Wastewater," current edition available from the American Public Health Association.

State shall mean the Commonwealth of Virginia.

Storm sewer or storm drain shall mean a sewer or drain designed, constructed, and intended to carry storm and surface waters and drainage, but not sewage or polluted industrial ~~wastes~~ wastewater.

Storm water shall mean any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

Strong waste shall mean any wastewater containing more than three hundred (300) milligrams per liter of BOD or more than three hundred (300) milligrams per liter of suspended solids or other characteristics in concentrations not normally found in wastewater from residential or commercial buildings.

Suspended solids shall mean solids that either float on the surface of, or are in suspension in, water, ~~sewage~~ wastewater, or other liquids; and which are largely removed by laboratory filtering as determined by the appropriate procedure in "Standard Methods".

Toxic substances shall mean any substance whether gaseous, liquid, or solid, which when discharged into the wastewater system in sufficient quantities may tend to interfere with any wastewater treatment process, or to constitute a hazard to human beings or animals, or to inhibit aquatic life or create a hazard to recreation in the receiving waters of the effluent from the wastewater plant. These substances include but are not limited to those listed as toxic in regulations promulgated by the EPA under the provisions of Section 307(a) of the Act or other state or federal law.

Toxics shall mean any of the pollutants designated by federal regulations pursuant to Section 307(a)(1) of the Act and any substances, whether gaseous, liquid, or solid, which when discharged to the sewer system in sufficient quantities interferes with any ~~sewage~~ wastewater treatment process, materially increases the cost of treatment, constitutes a hazard to any beneficial use ascribed to the receiving waters of the effluent from the POTW treatment plant or facility, including recreation, causes a hazard to any portion of the sewage system, constitutes a hazard to fish or animal life or interferes with ~~sludge~~ biosolids disposal.

Trade secrets shall mean, but not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is

known only to certain individuals within a commercial concern who are using it to fabricate or produce a compound, an article of trade or a service having commercial value, and which gives its users an opportunity to obtain a business advantage over competitors who do not know or use it.

TSS shall mean total suspended solids.

*Unpolluted water* shall mean water of quality equal to or better than the effluent criteria in effect for the POTW ~~treatment plant~~ or water that would not cause violation of receiving water quality standards and would not be benefited by treatment by the POTW ~~treatment plant~~.

U.S.C . shall mean the United States Code.

*User* shall mean any person who contributes, causes, or permits the contribution of wastewater into the City's POTW.

*User permit* shall mean a document issued by the City to the user that permits the connection or introduction of waste into the City's sewer system under the provisions of this chapter. *Virginia Pollution Discharge Elimination System* or *VPDES Permit* shall mean a permit issued pursuant to Section 402 of the Act in the Commonwealth of Virginia who has been delegated administration authority of the NPDES permit system for Virginia.

*Wastewater* consists of 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.

*Wastewater treatment plant* or *treatment plant* shall mean that portion of the POTW, which is designed to provide treatment of municipal ~~sewage~~ and industrial wastewater.

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

*Water pollution control facilities* shall mean all facilities for collecting, pumping, transporting, treating, and disposing of wastewater.

~~WEF or Water Environment Federation~~ WEF shall mean the Water Environment Federation, Incorporated.

~~WPCF or Water Pollution Control Federation~~ WPCF shall mean the Water Pollution Control Federation, Incorporated.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-4. - Classes of permits under chapter.

Four (4) classes of permits shall be issued by the City pursuant to this chapter and the Uniform Statewide Building (BOCA) Code. Permit application forms will be provided by the City and permits issued for the installation of the following:

- (1) Private wastewater disposal systems;
- (2) Residential, commercial, or small industrial users other than significant industrial users;
- (3) Significant industrial users; and
- (4) Contract haulers.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-5. - False or misleading representations under chapter.

Any person who gives any false or misleading representation to the City under the provisions of this chapter shall be guilty of a Class 1 misdemeanor.

(Ord. No. 2005-05.04, 5-17-05)

**Cross reference**— Penalty for a Class 1 misdemeanor, § 1-11.

Sec. 34-6. - Unlawful disposal of excrement, wastewater, etc., generally.

- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited, in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City, any human or animal excrement or other objectionable waste.
- (b) It shall be unlawful for any person to discharge, in any area under the jurisdiction of the City, any wastewater or other polluted waters, except into the City's POTW unless otherwise authorized by the provisions of this chapter or by an approved VPDES permit.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-7. ~~Mandatory sewer connections.~~

- ~~(a) Except as otherwise provided in this chapter, it shall be unlawful for any person to construct, repair, or maintain any privy, privy vault, septic tank, cesspool, tile field, or other facility intended to be used or used in lieu of a public sewer.~~
- ~~(b) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required, at the owner's expense, to install toilet facilities as required by the Virginia Uniform Statewide Building Code, plumbing code section, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within sixty (60) days after the date of official notice to do so, provided the public sewer is within three hundred (300) feet of the property line. Exceptions shall be allowed where private wastewater disposal systems existing on February 1, 1984, are being used and are in good operating condition in compliance with State Department of Health regulations. When such private wastewater disposal systems fail to operate satisfactorily or cease to be in compliance with State Department of Health regulations, the building sewer served by the private system shall be connected to the public sewer.~~

~~(Ord. No. 2005-05.04, 5-17-05)~~

~~Sec. 34-8. Permit to uncover, connect to, etc., sewers generally.~~

~~No unauthorized person shall uncover, make any connection with or opening into, or use, alter or disturb, any public sewer or appurtenance thereof without first obtaining a written permit from the City.~~

~~(Ord. No. 2005-05.04, 5-17-05)~~

~~Sec. 34-9. Limitation on issuance of sewer connection permit.~~

~~The City shall not issue a permit for any class of connection to the City's sewer and wastewater treatment facilities unless there is sufficient capacity, not legally committed to other users, in the POTW to convey and adequately treat the quantity of wastewater, which the requested connection will add to the~~

~~system. The City may permit such a connection if there are legally binding commitments to provide the needed capacity.~~

~~(Ord. No. 2005-05.04, 5-17-05)~~

~~Sec. 34-10.~~ - Damaging, defacing, etc., property of sewer system or wastewater treatment facilities.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the City's POTW. Any person violating this section causing damage up to one thousand dollars (\$1,000.00) shall be guilty of a Class 1 misdemeanor. Any damage over one thousand dollars (\$1,000.00) shall be charged appropriately through the Commonwealth Attorney's office.

(Ord. No. 2005-05.04, 5-17-05)

**Cross reference**— Penalty for a Class 1 misdemeanor, § 1-11.

Sec. 34-~~11~~8. - Prohibited discharge standards.

- (a) *General prohibitions.* No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass through, interference or violation of any applicable water quality standard. These general prohibitions and the specific prohibitions in paragraph (b) of this section apply to ~~all users of the~~ each User introducing pollutants into a POTW whether or not ~~they are the~~ User is subject to other National 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 substances, or wastewater:
- (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solid, or gas, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using test methods specified in 40 CFR 261.21;
  - (2) Solid or viscous substances in amounts, which will cause obstruction of the flow in the POTW resulting in interference (but in no case solids greater than one-half-inch (½) or one and three-tenths centimeter(s) (1.3 cm) in any dimension);
  - (3) Wastewater having a pH less than ~~five (5)~~ six (6.0) S.U. or more than ~~twelve (12.0) S.U.~~ otherwise causing corrosive structural damage to the POTW or equipment or causing upsets to the treatment processes;
  - (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;
  - (5) 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 are sufficient to prevent entry into the sewers for maintenance and repair;
  - (6) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge biosolids, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal

developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used;

- (7) Wastewater having a temperature greater than 150°F (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 104°F (40°C);
- (8) Any wastewater, which causes a hazard to human life or creates a public nuisance;
- (9) Any petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts ~~exceeding one hundred (100) mg/L or~~ that will cause interference or pass through;
- (10) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (11) Wastewater which imparts color 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 City's NPDES permit;
- (12) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State and Federal law requirements;
- (13) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the ~~Assistant City Manager for Utilities~~ Director of Utilities;
- (14) Sludge, screenings, or other residues from the pretreatment of industrial wastes;
- (15) Medical wastes, except as specifically authorized by the Director of Utilities in a wastewater discharge permit;
- (16) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (17) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (18) Wastewater causing two (2) readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than twenty-five (25) percent or any single reading over fifty (50) percent of the lower explosive limit of the meter;
- (19) 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 ~~Assistant City Manager for Utilities~~ Director of Utilities 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.
- (20) Any trucked or hauled pollutants, except at discharge points designated by the ~~Assistant City Manager for Utilities~~ Director of Utilities in accordance with ~~section~~ Sec. 34-17.

~~(c) — Violations. Any person violating this section shall be referred to the appropriate state or federal agency for criminal charges and shall be guilty of at least a Class 1 misdemeanor. Each day any violation of this section continues shall constitute a separate offense.~~

~~(Ord. No. 2005-05.04, 5-17-05)~~

~~Sec. 34-12.— Limited discharges~~ 34-17.

~~(a) — The following described substances, materials, waters, or waste shall be limited in discharges into the City's sewers to concentrations or quantities which will not harm the sewers or wastewater~~

~~treatment facilities, will not have an adverse effect on the receiving stream and will not otherwise endanger public property or constitute a nuisance:~~

~~(1) Strong waste as defined in this chapter.~~

~~(2) 21) Any waste or liquid with total oil and grease concentrations greater than 200 mg/L.~~

~~(22) Waste containing non-biodegradable fats, wax, grease or oils, grease, or wax, whether emulsified or not, or containing substances which may precipitate, solidify, or become viscous at temperatures between 50°F and 104°F (10°C and 40°C).~~

~~(3) Waste containing garbage that has been properly shredded so it will pass through a one-half-inch screen.~~

~~(4) 23) Materials which exert or cause:~~

- ~~a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues), or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).~~
- ~~b. Excessive discoloration (such as, but not limited to, dye waste and vegetable tanning solutions).~~
- ~~c. Unusual BOD or COD in such quantities that may upset the City's wastewater treatment processes.~~
- ~~d. Unusual volume of flow or concentration of wastes constituting slugs.~~
- ~~e. Unusual amounts of scum, and/or foam that may interfere with the operation of the City's wastewater treatment facilities or cause undue additional labor in connection with handling the substance.~~
- ~~f. Use of excessive quantities of chlorine to be used for stabilization in addition to biological treatment. The amount of excess demand will be determined by comparing the chlorine demand of the waste in question with the average chlorine demand of all other waste entering the plant.~~

~~(5) 24) Bulk, expired, outdated or concentrated prescription or non-prescription pharmaceuticals.~~

~~(25) Hazardous waste pharmaceuticals or DEA controlled substances by a healthcare facility or reverse distributor.~~

~~(c) Violations. Any person violating this section shall be referred to the appropriate state or federal agency for criminal charges and shall be guilty of at least a Class 1 misdemeanor. Each day any violation of this section continues shall constitute a separate offense.~~

~~(Ord. No. 2005-05.04, 5-17-05)~~

#### Sec. 34-9. - Limited discharges.

~~(a) The following described substances, materials, waters, or waste that shall be limited in discharges into the City's sewers to concentrations or quantities which will not harm the sewers or wastewater treatment facilities, will not have an adverse effect on the receiving stream and will not otherwise endanger public property or constitute a nuisance:~~

~~(1) Strong waste as defined in this chapter.~~

~~(2) Waste containing solids that have been properly shredded so it will pass through a one-half-inch screen.~~

~~(3) Overflow from holding tanks or other receptacles storing organic waste, septic tank waste, and other waste from contract haulers.~~

~~(6) Caustic wastes having a high pH, which causes damage to the sewer system or causes the treatment plant influent pH to exceed 10.0 s.u.~~

(7) 4) Industrial wastewater discharges containing substances subject to an applicable federal categorical pretreatment standard. Upon the promulgation of federal categorical pretreatment standards for a particular industrial subcategory, such standard, if more stringent than limitations imposed under this chapter, shall supersede the local limitations of this chapter. The City shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12 and 9VAC25-31-840. Compliance with a categorical pretreatment standard for new sources shall be required upon initiation of discharge or in accordance with the provisions of the state or federal law or regulations establishing the more stringent categorical pretreatment standard.

~~(8) 5) Concentrations of constituents listed in local limits established by the City in accordance with EPA guidance manuals and procedures for developing local discharge limits for a pretreatment program. Such discharge limits promulgated by the City may be modified from time to time when deemed necessary to comply with the objectives of this chapter. The City's pretreatment program has developed the following local limits for pollutants of concern for Significant Industrial Users covered under the program.~~

#### CITY OF DANVILLE LOCAL LIMITS

<u>Parameter</u>	<u>Concentration</u>
<u>Total Arsenic</u>	<u>0.100 ppm</u>
<u>Total Cadmium</u>	<u>0.050 ppm</u>
<u>Total Chromium</u>	<u>1.000 ppm</u>
<u>Total Copper</u>	<u>3.000 ppm</u>
<u>Total Cyanide</u>	<u>0.150 ppm</u>
<u>Total Lead</u>	<u>0.350 ppm</u>
<u>Total Mercury</u>	<u>0.040 ppm</u>
<u>Total Molybdenum</u>	<u>2.000 ppm</u>
<u>Total Nickel</u>	<u>2.000 ppm</u>
<u>Total Selenium</u>	<u>0.200 ppm</u>
<u>Total Silver</u>	<u>0.050 ppm</u>
<u>Total Zinc</u>	<u>7.000 ppm</u>

(b) The EPA or the State may set more stringent limitations if more severe limitations are necessary to meet the water quality standards of the receiving stream of the wastewater treatment facility discharge. In that event, the most restrictive limitations shall apply.

(c) Any person violating this section shall be referred to the appropriate state or federal agency for criminal charges. If no criminal charges are assessed, then they shall be guilty of a Class 1 misdemeanor. Each day any violation of this section shall continue shall constitute a separate offense.

~~(d) The Director of Utilities may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Sections 34-8 and 34-9.~~

~~(e) The discharge of wastewater containing BOD<sub>5</sub>, total suspended solids, total Kjeldahl nitrogen (TKN), or ammonia in excess of the concentrations found in normal wastewater as defined in Sec. 34-3 must be approved by the City or other authorized representative and may be subject to surcharges.~~

(Ord. No. 2005-05.04, 5-17-05)

**Cross reference**— Penalty for a Class 1 misdemeanor, § 1-11.

Sec. 34-10. - POTW pretreatment program requirements.

A POTW pretreatment program must be based on the following legal authority and include the following procedures. These authorities and procedures shall at all times be fully and effectively exercised and implemented.

- (a) *Legal authority.* The POTW shall operate pursuant to legal authority enforceable in federal, state or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of Sections 307(b), (c) and (d), and 402(b)(8) of the CWA and any regulations implementing those sections. Such authority may be contained in a statute or ordinances, which the POTW is authorized to enforce and which are authorized by state law. At a minimum, this legal authority shall enable the POTW to:
- (1) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its VPDES permit;
  - (2) Require compliance with applicable pretreatment standards and requirements by industrial users;
  - (3) Control through permit, or order the contribution to the POTW by each industrial user to ensure compliance with applicable pretreatment standards and requirements. In the case of industrial users identified as significant in 40 CFR 403.3(v) and 9VAC25-31-10, this control shall be achieved through permits or equivalent individual control mechanisms issued to each such user. Such control mechanisms must be enforceable and contain, at a minimum, the following conditions:
    - a. Statement of duration (in no case more than five (5) years);
    - b. Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
    - c. Effluent limits based on applicable general pretreatment standards in this part, categorical pretreatment standards, local limits, and the law;
    - d. Self-monitoring, sampling, reporting, notification and record keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in this part, categorical pretreatment standards, local limits, and the law;
    - e. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
    - f. Any applicable compliance schedules, which may not extend beyond applicable federal deadlines;
  - (4) Require:
    - a. The development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements.
    - b. The submission of all notices and self-monitoring reports from industrial users as are necessary to assess and assure compliance by industrial users with pretreatment standards and requirements, including but not limited to the reports required in ~~subsection~~ Sec. 34-36(a) (2);

- (5) Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the POTW shall be authorized to enter at reasonable times any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under subsection Sec. 34-36(m) to assure compliance with pretreatment standards. The ~~Assistant City Manager for Utilities~~ Director of Utilities shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations. Such authority shall be at least as extensive as the authority provided under Section 308 of the CWA;
  - (6) Obtain remedies for noncompliance by any industrial user with any pretreatment standard and requirement. All POTW's shall be able to seek injunctive relief for non-compliance by industrial users with pretreatment standards and requirements. All POTWs shall also have authority to seek or assess civil or criminal penalties in at least the amount of one thousand dollars (\$1,000.00) a day for each violation by industrial users of pretreatment standards and requirements. Pretreatment requirements which will be enforced through the remedies set forth in this subsection, will include but not be limited to, the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the POTW; any requirements set forth in individual control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW or this part. The POTW shall have authority and procedures (after informal notice to the discharger) to immediately and effectively halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. The Director of DEQ shall have authority to seek judicial relief and may also use administrative penalty authority when the POTW has sought a monetary penalty which the Director of DEQ believes to be insufficient;
  - (7) Comply with the requirements to maintain the confidentiality of any information submitted to the pretreatment program by an industrial user that may be claimed as secret formulae, secret processes or secret methods. Industrial user effluent data may not be claimed to be confidential.
- (b) *Procedures.* The POTW shall develop and implement procedures to ensure compliance with the requirements of a pretreatment program. At a minimum, these procedures shall enable the POTW to:
- (1) Identify and locate all possible industrial users, which might be subject to the POTW pretreatment program. Any compilation, index or inventory of industrial users made under this paragraph shall be made available to ~~the Regional Administrator~~ EPA or DEQ upon request;
  - (2) Identify the character and volume of pollutants contributed to the POTW by the industrial users identified under subsection (b) (1) above. This information shall be made available to ~~the Regional Administrator~~ EPA or DEQ upon request;
  - (3) Notify industrial users identified under subsection (b) (1) above, of applicable pretreatment standards and any applicable requirements under Sections 204(b) and 405 of the CWA and Subtitles C and D of the Resource Conservation and Recovery Act. Within thirty (30) days of approval of a list of significant industrial users (SIU), notify each ~~significant industrial user~~ SIU of its status as such and of all requirements applicable to it as a result of such status;

- (4) Receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the self-monitoring requirements stated in their permits;
  - (5) Randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. Inspect and sample the effluent from each significant industrial user SIU at least once a year. Evaluate, ~~at least once every two (2) years, whether each such significant industrial user needs~~ the need for a plan to slug control slug discharges plan within 1 year of SIU designation. For purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge. The results of such activities shall be available to DEQ upon request. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
    - a. Description of discharge practices, including non-routine batch discharges;
    - b. Description of stored chemicals;
    - c. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition listed in subsection 34-8(b), with procedures for follow-up written notification within five (5) days;
    - d. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment necessary for emergency response;
  - (6) Investigate instances of noncompliance with pretreatment standards and requirements, as indicated in the reports and notices required by the industrial users' permits, or indicated by analysis, inspection, and surveillance activities. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions;
  - (7) Comply with the public participation requirements of the Code of Virginia and 40 CFR Part 25 (2016) in the enforcement of national pretreatment standards. ~~section~~ Sec. 34-39 includes the criteria for enforcement.
- (c) *Funding.* The POTW shall have sufficient resources to carry out the authorities and procedures described in subsections (a) and (b) herein.
  - (d) *Local limits.* The POTW shall develop local limits as necessary to prevent pollutants from industrial users to pass through the treatment works, cause interference of the plant's operation or violation of water quality standards by the POTW. Current influent, effluent and sludge biosolids data shall be used to develop the local limits if they should be necessary. See Sec. 34.9 (a) (8)
  - (e) *Enforcement response plan.* The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-11. - National categorical pretreatment standards.

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405—471 are hereby incorporated.

- (a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater the ~~Assistant City Manager for Utilities~~ Director of Utilities may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c) and 9VAC25-31-780 C.
- (b) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director of Utilities, or his designee, may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- (c) When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, a user may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director of Utilities. The City may establish equivalent mass limits only if the user meets all the conditions set forth in Sec. 34-11.(c)(1)(a) through Sec. 34-11. (c)(1)(e) below.
- (1) To be eligible for equivalent mass limits, the Industrial User must:
- a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
  - b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
  - c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
  - d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
  - e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the user's request for equivalent mass limits.
- (2) A user subject to equivalent mass limits must:
- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
  - b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
  - c. Continue to record the facility's production rates and notify the Director of Utilities whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph (1)(c) of this section. Upon notification of a revised production rate, the Director of Utilities will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
  - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs (1)(a) of this section so long as it discharges under an equivalent mass limit.
- (3) When developing equivalent mass limits, the Director of Utilities:
- a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the user by the concentration-based Daily Maximum and

Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor:

- b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
- c. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Sec. 34-8.(b)(19). The user must also be in compliance with Sec. 34-41.(c) regarding the prohibition of bypass.
- (d) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the ~~Assistant City Manager for Utilities~~ Director of Utilities shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e) and 9VAC25-31-780 E.
- (e) 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 and 9VAC25-31-850, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- ~~(d) — A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.~~

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-12. - Grease, ~~oil and sand~~ interceptors and oil/water separator and similar oil and grease removal devices.

(a) Requirements:

- (1) All industrial or commercial users that generate oil and grease of animal or vegetable origin shall install adequately sized grease interceptors or other grease removing pretreatment equipment as required by the Director of Utilities. Grease interceptors shall be installed at the user's expense, when such user operates a cooking establishment. Grease interceptors may also be required in non-cooking or cold dairy and frozen foodstuffs establishments and other industrial or commercial establishments when it is deemed necessary by the Director of Utilities for the proper handling of liquid wastes containing grease.
- (2) All industrial or commercial users which have lubricating oil, cutting oil, kerosene, gasoline, naphtha, paraffin, tri-sodium phosphate and any other light density or volatile oil or any other oil of petroleum or mineral origin shall install adequately sized oil/water separator or similar device to remove the oil as required by the Director of Utilities.

(b) Design, sizing, operation and maintenance:

- (1) No user shall allow wastewater discharge concentration from any grease interceptor, oil/water separator or similar device to exceed that specified in Sec. 34-8(b). All grease interceptors, oil/water separator or similar device shall be of a type, design, location and capacity according to the manufacturer's instructions based on the anticipated conditions of use and approved by the Department of Building Inspection of the city of Danville and shall be readily and easily accessible for user cleaning and City inspection. All such grease interceptors, oil/water separator and similar devices shall be serviced by user and emptied of accumulated waste content as required in order to maintain minimum design capability or effective volume of the grease interceptor or similar devices.

(2) Industrial or commercial users who are required to operate a grease interceptor and/or oil/water separator and/or similar device shall:

- (a) Size the grease interceptor and oil/water separator in accordance with the current Virginia Plumbing Code. The grease interceptor sizing shall also consider the type of food being prepared, seating capacity, frequency of maintenance, equipment connected to the trap and any other pertinent factors.
- (b) Inspect the grease interceptor, oil/water separator or similar device every two weeks if not sooner.
- (c) Adequately cover the grease interceptor, oil/water separator and other similar device to exclude stormwater from entering the sewer system.
- (d) For grease interceptor, remove any accumulated grease cap and sludge pocket as required at the users' expense. Grease interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, towels, rags, etc., which could settle into this pocket and thereby reduce the effective volume of the grease interceptor.
- (e) Grease interceptor, oil/water separator shall be pumped out and cleaned, at a minimum, when 80 percent of the retention capacity is filled with oil and grease and/or solids, or on a more frequent basis as determined by the industrial user or the City.
- (f) For oil/water separator being used for any vehicle wash facility, provide a grit interceptor.
- (g) Accept the following conditions: If any skimmed or pumped wastes or other materials removed from grease interceptor are treated in any fashion onsite and reintroduced back into the grease interceptor as an activity of and after onsite treatment, the user shall be responsible for the attainment of established oil and grease numerical limit consistent with Sec. 34-8(b) before discharging into the City's sewerage system.
- (h) Operate the grease interceptor, oil/water separator or similar device in a manner to consistently achieve attainment of oil and grease limit. "Consistently" shall mean any wastewater sample taken from the downstream side of the device shall be subject to terms of numerical limit attainment described in Sec. 34-8(b).
- (i) Shall not connect the garbage disposal or non-grease laden sources to the grease interceptor or similar device.
- (j) Shall evaluate the adequacy of the size of grease interceptor or other similar devices should the menu or seating capacity changes and notify the Department of Building Inspection of the City of Danville in writing within two weeks of the change.

(c) Recordkeeping:

- (1) The industrial or commercial user shall maintain a written record of trap, oil/water separator, interceptor or similar device maintenance for three years. All such records shall be available for inspection by the City at all times.
- (2) Shall maintain at its facility and practice the best management plan and/or waste minimization plan for oil and grease control.
- (3) Shall maintain a written standard operating procedure for that equipment posted in a location accessible to all operating personnel.

(d) Enforcement and cost recovery:

- (1) If at any time the City's sewerage system is obstructed and that causes a sewer overflow to the extent that an impact on the environment is realized and an overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to accumulation of grease in the City's sewer main(s), the City will take appropriate enforcement actions, as stipulated in the City's approved Industrial Pretreatment Enforcement Response Plan and Sewer Use Ordinance, against the generator or contributor of such grease. Industrial or commercial users shall reimburse the City for all the cost associated with cleaning the sewer system. The industrial or commercial user will also be liable for all the damages to the environment, property and personnel as a result of its grease contribution to the sanitary sewer overflows.
- (2) As a part of enforcement action, the City may require supplemental environmental projects to mitigate the environmental damage done by industrial or commercial users not managing their grease in accordance with the City's ordinances.
- (3) Existing industrial or commercial users that either do not have oil/water separator, grease interceptor or other similar devices, or the existing device is undersized shall be put on a compliance schedule not to exceed six months to comply with the requirements of this section.

~~Grease, oil, and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be located so as to be readily and easily accessible for cleaning and inspection. In maintaining the interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means, of the captured materials and shall maintain records of disposal, which shall be subject to review by the City. Any removal and hauling of collected materials not performed by the owner's personnel must be performed by licensed waste disposal firms. Inspection and reviews of operating and maintenance records for these facilities shall be performed by the City's sanitary sewer maintenance supervisors and other authorized City inspectors.~~

~~(b) Any person violating this section shall be guilty of a Class 3 misdemeanor.~~

~~(Ord. No. 2005-05.04, 5-17-05)~~

~~**Cross reference**—Penalty for a Class 3 misdemeanor, § 1-11.~~

Sec. 34-13. - City's alternatives as to limited discharges.

- (a) When any wastewater containing substances or characteristics which have or potentially will have a deleterious effect upon the City's POTW, or receiving waters, or which constitutes a public nuisance or hazard, is discharged or proposed for discharge into the City's POTW, the City may deny or condition the discharge as follows:
  - (1) Require pretreatment by the user of the discharge to a condition acceptable for discharge into the City's POTW.
  - (2) Require control over the quantities and rates of discharge.
  - (3) Require a special contract for handling and payment to cover added cost of handling and treating the wastewater not covered by existing fees or charges.
  - (4) Require the development and submission of a compliance schedule to meet any applicable pretreatment requirements.
  - (5) Require the submission of reports necessary to assure compliance with applicable pretreatment requirements.

- (6) Require the inspection, surveillance, and monitoring necessary to determine compliance with applicable pretreatment requirements.
  - (7) Reject the wastewater if evidence discloses that the discharge will create unreasonable hazards or have unreasonable deleterious effects on the POTW. Pursue remedies for noncompliance by any user, which may include injunctive relief with the civil penalties specified in this chapter or appropriate criminal penalties and fines.
- (b) When discharge restrictions, discharge limits or pretreatment standards pursuant to this chapter are established as concentration limits to be met by a user, the City in lieu of concentration limits, may establish mass limits to comparable stringency for an individual user at the request of such user or as necessary to protect City facilities.
  - (c) When considering the above alternatives, the City shall evaluate cost effectiveness, the economic impact of the alternatives and the willful noncompliance of the discharger.
  - (d) The City shall encourage the conservation of water and energy. In establishing discharge restrictions upon users, the City shall take into account already implemented or planned conservation steps revealed by the user.
  - (e) If a special contract for handling an industrial waste is required pursuant to this section, it will be subject to Council approval and provide for such charges as may be agreed upon to compensate the City for the cost of handling the particular waste treatment needs of the industry. Contracting for treatment of industrial waste shall be considered only after such testing and examination as required to determine the nature and volume of the waste to be treated. The contract will take into consideration the requirements of the particular industry and the acceptability to the City and the Department of Environmental Quality (DEQ) of such waste. Such contracts shall not waive federal categorical pretreatment requirements.
  - (f) The following pollutants, at a minimum, must be considered for all industrial dischargers: total ~~recoverable~~ arsenic, biochemical oxygen demand BOD<sub>5</sub>, total ~~recoverable~~ cadmium, total ~~recoverable~~ chromium, total ~~recoverable~~ copper, cyanide, total Kjeldahl nitrogen (TKN), total ~~recoverable~~ lead, total mercury, total molybdenum, total ~~recoverable~~ nickel, total oil and grease (Method 166A), total phosphorus, total selenium, total ~~recoverable~~ silver, total suspended solids (TSS), pH, ammonia (NH<sub>3</sub>-N) and total ~~recoverable~~ zinc.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-14. - City's right of revision.

The City reserves the right to establish by amendment of this chapter, more stringent limitations or requirements on discharges to the City's POTW if deemed necessary to comply with the objectives set forth in Sec. section 34-1.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-15. - Notification.

All users of the City sewer system shall notify the POTW treatment plant immediately, by telephone or in person, of any wastewater discharges that may cause potential problems for the City's POTW. This includes non-routine discharges, non-customary batch discharges, and slug discharges. Such notification shall include the location of discharge, type of waste, concentration of pollutants, volume, and corrective actions taken or proposed to stop violation.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-16. - Accidental discharge/slug control plans.

~~At least once every two (2) years, the Assistant City Manager for Utilities~~ Director of Utilities

shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. Alternatively, the ~~Assistant City Manager for Utilities~~ Director of Utilities may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the ~~Assistant City Manager for Utilities~~ Director of Utilities of any accidental or slug discharge, as required by ~~section~~ Sec. 34-15 and ~~subsection~~ Sec. 34-36(f)(1) herein; 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.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-17. - Contract haulers.

Any person engaging in the activities permitted by this section shall be referred to as contract haulers. Contract haulers shall be permitted to empty septic tank sludge, or wastes from chemical toilets, or permitted industrial wastes into the POTW at the designated structure located at the City of Danville Northside Wastewater Treatment Plant. This discharge is subject to the following limitations and conditions:

- (a) The contract hauler must apply for and receive a ~~truck-discharge~~ Hauler Discharge permit from the City. All applicants for a ~~truck-discharge~~ Septic Hauler or Industrial Waste Hauler Wastewater Discharge permit shall complete such forms as required by the City, pay any appropriate fees and agree in writing to abide by the provisions of this chapter and any special conditions or regulations established by the City. Such permits shall be valid for a period of two (2) years from the date of issuance provided that such permit shall be subject to revocation by the City for violation of any provisions of this chapter or any other regulation established by the City. If the contract hauler is hauling wastewater from a ~~significant industrial user (SIU)~~, the permit must specifically authorize the discharge of such wastewater into the City's POTW. Such permission shall not be granted unless the ~~significant industrial user (SIU)~~ has also obtained a separate wastewater discharge permit. Otherwise, such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste. The City may refuse to accept any truckload of waste when it appears that the waste could interfere with the effective operation of the POTW.
- (b) The contract hauler must dump or empty all wastes only at the designated structure at the City ~~of Danville Northside~~ POTW and must keep this area maintained and clean.
- (c) The contract hauler must provide accurate and complete information as to the origin of the septic tank waste, by use of a manifest.
- (d) Any discharge of any waste other than the domestic type from a septic tank is forbidden without special permission from the City and only after laboratory analysis of the waste. The cost of the laboratory analyses shall be paid by the contract hauler.

- (e) Spot checks of septic tank wastes shall be made at the discretion of the City and laboratory analyses performed. Should any waste be found in violation of this chapter, the following civil penalties may be assessed the contract hauler.
  - (1) First Offense - \$100.00 civil penalty
  - (2) Second Offense - \$250.00 civil penalty
  - (3) Third Offense - Permission to discharge septic tank wastes into the POTW shall be revoked.
- (f) A contract hauler may apply to the City to regain permission to dump septic tank wastes. Any such permission shall be subject to the condition that all septic tank waste be checked and analyzed until the City is satisfied that no more violations are likely to occur. The cost of the laboratory analyses shall be paid by the contract hauler.
- (g) No permit shall be required to discharge domestic waste from a recreation vehicle holding tank provided such discharge is made at the approved site at the ~~Northside City of Danville~~ POTW.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-18. - Resource Conservation and Recovery Act notices.

The City shall give notice to all "~~significant industrial users~~" "(SIU)" of its POTW that they possibly have special reporting and compliance requirements under the Resource Conservation and Recovery Act (RCRA).

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-19. - Users of other sewer systems.

The provisions of articles I, II and IV of this chapter, except for ~~sections Sec. 34-30, 34-31, 34-32,~~ and 34-79 shall be applicable to persons who discharge wastewater into the Pittsylvania County Service Authority's sewer system or the sewer system owned, operated, and maintained by Caswell County, North Carolina, which is ultimately received into the City's POTW for treatment.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-20. - Other political subdivisions which discharge wastewater into the City's POTW.

It shall be unlawful for any political subdivision owning, operating, and maintaining a sewer system which discharges wastewater into the City's POTW for treatment to permit or allow any user of that system to discharge wastewater into that sewer system in violation of the provisions of any user permit issued jointly with the City, in violation of the applicable provisions of this chapter, or contrary to the provisions of any agreement between such political subdivision and the City.

(Ord. No. 2005-05.04, 5-17-05)

## DIVISION 2. - ENFORCEMENT

Sec. 34-21. - Administrative enforcement penalties.

- (a) Whenever the ~~Assistant City Manager for Utilities~~ Director of Utilities finds that any ~~significant industrial user~~ SIU has violated or is violating this chapter or a user permit or order issued hereunder the ~~Assistant City Manager for Utilities~~ Director of Utilities or his agent may serve upon said user,

written notice of the violation. Within fourteen (14) days from the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the ~~Assistant City Manager for Utilities~~ Director of Utilities. 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.

- (b) The ~~Assistant City Manager for Utilities~~ Director of Utilities is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the ~~significant industrial user~~ SIU responsible for the non-compliance. Such orders will include specific action to be taken by the ~~significant industrial user~~ SIU to correct the noncompliance within a time period also specified by the order. A consent order shall have the same force and effect as administrative orders.
  - (1) The ~~Assistant City Manager for Utilities~~ Director of Utilities may order any ~~significant industrial user~~ SIU, which causes or contributes to violation of this chapter or order or user permit issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and date for the hearing, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least fourteen (14) days prior to the hearing. Such notice may be served on any principal executive, general partner, or corporate officer of the ~~significant user~~ SIU. In the event a duly notified ~~significant industrial user~~ SIU does not appear as noticed immediate enforcement action may be pursued.
  - (2) At any hearing held pursuant to this chapter, testimony taken must be under oath and either audio or stenographically recorded. The transcript, so recorded, will be made available to any party of the hearing, and any member of the public upon payment of the usual charges thereof.
- (c) When the ~~Assistant City Manager for Utilities~~ Director of Utilities finds that a ~~significant industrial user~~ SIU has violated or continues to violate the chapter or a user permit or order issued thereunder, he may issue an order to the ~~significant industrial user~~ SIU responsible for the discharge directing that, following a specified time period, wastewater treatment service for that user shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.
- (d) When the ~~Assistant City Manager for Utilities~~ Director of Utilities finds that a ~~significant industrial user~~ SIU has violated or continues to violate this chapter or those (restrictions) contained in any user permit issued hereunder, the ~~Assistant City Manager for Utilities~~ Director of Utilities may issue an order to cease and desist, all such violations, and direct those persons in noncompliance to:
  - (1) Comply forthwith.
  - (2) Comply in accordance with a compliance time schedule set forth in the order.
  - (3) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
- (e) Any ~~significant industrial user~~ SIU who is found to have violated any provision of this chapter, or the orders and permits issued hereunder, may be fined at least one thousand dollars (\$1,000.00) a day for each violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the ~~Assistant City Manager for Utilities~~ Director of Utilities shall have such other collection remedies as he has to collect other service charges.
  - (1) The ~~Assistant City Manager for Utilities~~ Director of Utilities may suspend the wastewater treatment service and/or a user permit whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing any of the following conditions:

- a. An imminent or substantial endangerment to the health or welfare of persons, or the environment.
  - b. An interference or pass through.
  - c. A violation of any condition of the POTW's VPDES permit.
- (2) Any ~~significant industrial user~~ SIU notified of a suspension of the wastewater treatment service and/or the user permit should immediately stop or eliminate its contribution. A hearing will be held within fifteen (15) days of the notice of suspension to determine whether the suspension may be lifted or the ~~significant industrial user~~ SIU permit terminated. In the event of a failure of the ~~significant industrial user~~ SIU to comply voluntarily with the suspension order, the ~~Assistant City Manager for Utilities~~ Director of Utilities shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the City's POTW or endangerment to any individuals. The ~~Assistant City Manager for Utilities~~ Director of Utilities shall reinstate the user permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge.
- (3) A ~~significant industrial user~~ SIU which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the ~~Assistant City Manager for Utilities~~ Director of Utilities prior to the date of the hearing described in subsection (e)(2) above.
- (f) Any user who violates the following conditions of this chapter, user permit, order, or any applicable State or Federal law or regulation, is subject to user permit termination.
- (1) Failure to accurately report the wastewater constituents and characteristics of its discharge;
  - (2) Failure to report significant changes in operations or wastewater constituents and characteristics;
  - (3) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling, and
  - (4) Intentional violation of permit conditions;
  - (5) Failure of the user to pay any and all costs or charges authorized by the provisions of this chapter.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-22. - Remedies.

- (a) If any person discharges sewage, industrial wastes or other wastes into the City's POTW contrary to the provisions of this chapter or any order or user permit issued hereunder, the ~~Assistant City Manager for Utilities~~ Director of Utilities, through the City Attorney, may commence an action for appropriate legal and/or equitable relief in the Circuit Court for the City of Danville, Virginia, or any other court having jurisdiction.
- (b) Whenever a ~~significant industrial user~~ SIU has violated or continues to violate the provisions of this chapter or an order or user permit issued hereunder the ~~Assistant City Manager for Utilities~~ Director of Utilities, through the City Attorney, may request the appropriate court to issue a preliminary or permanent injunction, or both (as may be appropriate) which restrains or compels the activities on the part of the ~~significant industrial user~~ SIU. In the event the ~~Assistant City Manager for Utilities~~ Director of Utilities chooses to correct the violation himself, the cost of such correction may be added to the next scheduled sewer service charge payable by the person(s) causing the violation. The ~~Assistant City Manager for Utilities~~ Director of Utilities shall have such remedies to collect these fees, as it has to collect other sewer service charges.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-23. - Civil penalties.

- (a) Any ~~significant industrial user~~ SIU who has violated or continues to violate this chapter or any order or user permit issued hereunder, shall be liable for a civil penalty of at least one thousand dollars (\$1,000.00) and not more than ten thousand dollars (\$10,000.00), plus actual damages incurred by the POTW, per violation per day for as long as the violation(s) continues. In addition to the above described penalty and damages, the ~~Assistant City Manager for Utilities~~ Director of Utilities may recover reasonable attorney's fees, court costs, and other expenses, his enforcement activities, including special sampling and monitoring expenses.
- (b) The ~~Assistant City Manager for Utilities~~ Director of Utilities shall petition the court to impose, assess, and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the magnitude, and duration, any economic benefit gained through the significant industrial user's violation, corrective actions by the ~~significant industrial user~~ SIU, the compliance history of the user, and any other factors as justice requires.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-24. - Criminal violations.

- (a) *Violations; generally.* Any ~~significant industrial user~~ SIU who willfully or negligently violates any provision of this chapter, or any order, or user permit issued hereunder shall, upon conviction, be guilty of up to a Class 1 misdemeanor punishable by a fine of at least one thousand dollars (\$1,000.00). Any second or subsequent violation shall constitute a Class 1 misdemeanor.
- (b) *Violations; continuing.* Each day any violation described in subsection (a) continues shall constitute a separate offense.
- (c) *Falsifying information.* Any ~~significant industrial user~~ SIU who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter, or user permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punishable by a fine of at least one thousand dollars (\$1,000.00) per violation and be guilty of a Class 1 misdemeanor.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-25. - Annual publication of significant violations and significant non-compliance.

The ~~Assistant City Manager for Utilities~~ Director of Utilities shall publish, at least annually, in the largest daily newspaper circulated in the service area, the names of those ~~significant industrial users~~ SIU which are found to be in significant violation and significant non-compliance, as defined in ~~sections~~ Sec. 34-3 and 34-38 of this chapter, with any provisions of this chapter or any order or permit issued hereunder during the period since the previous publication.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-26. - Water supply severance.

Whenever a ~~significant industrial user~~ SIU has violated or continues to violate the provisions of this chapter or an order or user permit issued hereunder, water service to the ~~significant industrial user~~ SIU

may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated consistent compliance.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-~~27~~. - Operating upsets.

- (a) Any ~~significant industrial user~~ SIU which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation, shall inform the ~~Assistant City Manager for Utilities~~ Director of Utilities thereof immediately upon first awareness of the upset. Where such information is given orally, the user thereof shall file a written report within five (5) days. The report shall contain:
- (1) A description of the upset, its cause(s) and impact on the discharger's compliance status;
  - (2) The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored;
  - (3) All steps taken or planned to reduce, eliminate, and prevent recurrence of such an upset.
- (b) A ~~significant industrial user~~ SIU which timely complies with the notification provisions of this section shall have an affirmative defense to any enforcement action brought by the ~~Assistant City Manager for Utilities~~ Director of Utilities for noncompliance with categorical standards only, which arises out of violations alleged to have occurred during the period of the documented and verified upset.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-~~28~~. - Treatment bypasses.

- (a) A bypass of the ~~significant industrial user's~~ SIU's treatment system is prohibited unless all of the following conditions are met:
- (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (2) There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and
  - (3) The significant industrial user properly notified the ~~Assistant City Manager for Utilities~~ Director of Utilities as described in subsection (b) below.
- (b) ~~Significant industrial users~~ SIUs must provide immediate notice to the ~~Assistant City Manager for Utilities~~ Director of Utilities upon discovery of an unanticipated bypass. If necessary, the ~~Assistant City Manager for Utilities~~ Director of Utilities may require the ~~significant industrial user~~ SIU to submit a written report explaining the cause(s), nature, and duration of the bypass and the steps being taken to prevent its recurrence.
- (c) A ~~significant industrial user~~ SIU may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of its treatment system. ~~Significant industrial users~~ SIUs anticipating a bypass must submit notice to the ~~Assistant City Manager for Utilities~~ Director of Utilities at least ten (10) days in advance. The ~~Assistant City Manager for Utilities~~ Director of Utilities may only approve the anticipated bypass if the circumstances satisfy those set forth in subsection (a) above.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-29. - Review and appeal procedures under chapter.

The following procedures control the course of reconsideration, rehearing, and appeal to the City with respect to the construction, application, or enforcement of this chapter and may be used if informal methods do not achieve satisfaction:

- (a) Any user permit applicant, user permit holder, authorized industrial wastewater discharger or other discharger adversely affected by any decision, act, or determination made by or on behalf of the City by the ~~Assistant City Manager for Utilities~~ Director of Utilities or his authorized representative in interpreting or implementing the provisions of this chapter or any user permit issued hereunder may file with the City Manager a written request for reconsideration. Such request shall be received within thirty (30) days of the date of the occurrence of the City's action or decision in dispute. All requests shall set forth the requestor's name and address, along with a brief statement of the reasons and the factual basis for the request. Requests shall be filed in triplicate and sent by certified mail to the City Manager.
- (b) The City Manager or his/her designated representative shall notify the applicant, within fifteen (15) days after receipt of any request for reconsideration, of the time and place for hearing. Upon the request, the hearing shall be conducted by the City Manager or his/her designated representative not less than ten (10) days or more than thirty (30) days after mailing such notice. The hearing may be continued for a reasonable time for good cause shown, at the discretion of the City Manager or his/her designated representative. The hearing shall be held as an informal consultation and conference at which the requestor, in person or by counsel, shall present his argument, evidence, data, and proof in connection with the issue submitted. The City Manager or his/her designated representative shall not be bound by legal rules of evidence. The hearing shall be recorded and the requestor shall be provided with a transcript thereof upon request and upon payment of the cost thereof. The written decision of the City Manager or his/her designated representative shall be made known to the requestor by certified mail within thirty (30) days after the hearing.
- (c) The requestor may file a request for rehearing, which shall be filed by certified mail within ten (10) days of the rendition of the City Manager's decision, and rehearing may be allowed for good cause shown. The procedures for rehearing are to be substantially the same as those stated above.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-30. – Mandatory sewer connections.

- (a) Except as otherwise provided in this chapter, it shall be unlawful for any person to construct, repair, or maintain any privy, privy vault, septic tank, cesspool, tile field, or other facility intended to be used or used in lieu of a public sewer.
- (b) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required, at the owner's expense, to install toilet facilities as required by the Virginia Uniform Statewide Building Code, plumbing code section, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within sixty (60) days after the date of official notice to do so, provided the public sewer is within three hundred (300) feet of the property line. Exceptions shall be allowed where private wastewater disposal systems existing on February 1, 1984, are being used and are in good operating condition in compliance with State Department of Health regulations. When such private wastewater disposal systems fail to operate satisfactorily or cease to be in compliance with State

Department of Health regulations, the building sewer served by the private system shall be connected to the public sewer.

~~(Ord. No. 2005-05.04, 5-17-05)~~

## ~~ARTICLE II.—BUILDING SEWERS~~

### ~~Sec. 34-33.—Exemptions from article.~~

~~Existing building sewers connected to the City's POTW prior to February 1, 1984, and that were installed in compliance with applicable City and State code requirements when installed shall be exempt from requirements of this article until repairs or changes are made in the building being served by the POTW.~~

~~(Ord. No. 2005-05.04, 5-17-05)~~

### ~~Sec. 34-34.—Permit for construction or installation.~~

~~Any person proposing a new discharge into the City's POTW or a substantial change in the volume or character of pollutants that are being discharged shall notify the City at least forty five (45) days prior to the proposed change or connection. There shall be two (2) classes of building sewer permits: One for residential, commercial, and insignificant small industrial service as provided in the plumbing code of the City and one for service to significant industrial users. In either case, the owner or his agent shall make application on forms furnished by the City. Permit applications for significant industrial connections shall be supplemented by plans, specifications, or other pertinent information. A permit fee to cover the cost for processing the application, inspection, and other costs associated therewith shall be charged to the owner for each permit issued and be paid to the City at the time the application is filed. In the event the premises changes ownership before the work is completed or if another contractor is chosen to perform or finish the work, the original permit becomes void and a new permit must be obtained by the new parties in interest.~~

~~(Ord. No. 2005-05.04, 5-17-05)~~

### ~~Sec. 34-35.—General construction and installation standards.~~

~~The size, slope, alignment, and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfiring the trench, shall all conform to the requirements of the building and plumbing codes and other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth for building sewer construction in ASTM and WPCF specifications shall apply.~~

~~(Ord. No. 2005-05.04, 5-17-05)~~

### ~~Sec. 34-36.—Use of old sewers for new buildings.~~

~~Old building sewers may be used in connection with new buildings only when they are found on examination and test by the City to meet all requirements of this chapter.~~

~~(Ord. No. 2005-05.04, 5-17-05)~~

~~Sec. 34-37.— Elevation; lifting devices.~~

~~Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer. Duplex lift systems shall be provided when required by the plumbing code.~~

~~(Ord. No. 2005-05.04, 5-17-05)~~

~~Sec. 34-38.— Excavations to be guarded; restoration of disturbed public property.~~

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

~~(Ord. No. 2005-05.04, 5-17-05)~~

~~Sec. 34-39.— Inspection and connection to public sewer generally.~~

- ~~(a) The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The City shall do such inspection and testing as may be necessary.~~
- ~~(b) The connection of the building sewer into the public sewer shall conform to the requirements of the City and State building and plumbing codes or other applicable laws and regulations of the City and State and shall be made gas tight and water tight and be verified by proper testing.~~

~~(Ord. No. 2005-05.04, 5-17-05)~~

~~Sec. 34-40.— Location of sewer tap prior to installation.~~

~~No drainage system shall be installed until the location and elevation of the sewer tap is determined. All costs and expense incident of the installation, connection, and maintenance of the building sewer from the building drain to the public sewer mains shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.~~

~~(Ord. No. 2005-05.04, 5-17-05)~~

~~Sec. 34-41.— Individual building sewers.~~

~~Any lot of records on which buildings are existing or proposed, and in which plumbing fixtures are installed or are proposed to be installed, shall be provided with an individual building sewer, which is separate from and independent of that serving buildings on any other lot.~~

~~(Ord. No. 2005-05.04, 5-17-05)~~

~~Sec. 34-42.— Surface runoff and groundwater drains.~~

- ~~(a) No person shall connect roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains to any sewer, which is connected to a treatment works unless such connection is authorized in writing by the Control Authority. The connection of such drains shall conform to codes~~

~~specified in the applicable codes or as specified by the Control Authority as a condition of approval of such connection.~~

~~(b) Except as provided in subsection (a) above, roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains shall discharge to natural outlets or storm sewers.~~

~~(Ord. No. 2005-05.04, 5-17-05)~~

~~Secs. 34-43—34-46.—Reserved.~~

### ~~ARTICLE III.—STANDARDS FOR INDUSTRIAL WASTE DISCHARGERS~~

#### Sec. 34-32. - Limitation on issuance of sewer connection permit.

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

(Ord. No. 2005-05.04, 5-17-05)

### ARTICLE II. - STANDARDS FOR INDUSTRIAL WASTE DISCHARGERS

#### Sec. 34-33. - Wastewater discharge permit application.

- (a) *Wastewater analysis.* When requested by the ~~Assistant City Manager for Utilities~~ Director of Utilities a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The ~~Assistant City Manager for Utilities~~ Director of Utilities is authorized to prepare a form for this purpose and may periodically require users to update this information.
- (b) *Wastewater discharge permit requirements.*
- (1) No ~~significant industrial user~~ SIU shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the ~~Assistant City Manager for Utilities~~ Director of Utilities, except that a ~~significant industrial user~~ SIU that has filed a timely application pursuant to subsection (c) below may continue to discharge for the time period specified therein.
  - (2) The ~~Assistant City Manager for Utilities~~ Director of Utilities may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.
  - (3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in ~~sections~~ Sec. 34-39 and 34-40. Obtaining a 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 requirement of Federal, State and local law.
- (c) *Wastewater discharge permitting; existing connections.* Any user required to obtain a 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 ~~Assistant City Manager for Utilities~~ Director of Utilities for a wastewater discharge permit in accordance with this section of this ordinance, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of the ordinance from which this chapter derives except in accordance with a wastewater discharge permit issued by the ~~Assistant City Manager for Utilities~~ Director of Utilities.

- (d) Wastewater discharge permitting; new connections. Any user required to obtain a 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 wastewater discharge permit, in accordance with subsection (e) below, must be filed at least thirty (30) days prior to the date on which any discharge will begin or recommence.
- (e) *Wastewater discharge permit application contents.* All users required to obtain a wastewater discharge permit must submit a permit application. The ~~Assistant City Manager for Utilities~~ Director of Utilities may require all users to submit, as part of an application, the following information:
- (1) All information required by ~~subsections~~ Sec. 34-36(a) (2) a. through h. herein;
  - (2) Description of activities, facilities, and plant processes on the premises, including 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;
  - (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
  - (4) Each product produced by type, amount, process or processes, and rate of production;
  - (5) Type and amount of raw materials processed (average and maximum per day);
  - (6) 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;
  - (7) Time and duration of discharges; and
  - (8) Any other information as may be deemed necessary by the ~~Assistant City Manager for Utilities~~ Director of Utilities to evaluate the wastewater discharge permit application.
- (f) *Application signatories and certification.* All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction and 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."

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

- (g) *Wastewater discharge permit decisions.* The ~~Assistant City Manager for Utilities~~ Director of Utilities will evaluate the data furnished by the user and may require additional information. Within seven (7) days of receipt of a complete wastewater discharge permit application, the ~~Assistant City Manager for Utilities~~ Director of Utilities will determine whether or not to issue a wastewater discharge permit. The ~~Assistant City Manager for Utilities~~ Director of Utilities may deny any application for a wastewater discharge permit.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-~~34~~. - Industrial waste survey requirements.

- (a) All industrial dischargers shall file with the City wastewater information required for determination of compliance with this chapter, the City's VPDES permit conditions and state and federal law. Such

information shall be provided by completion of a questionnaire designed and supplied by the City and by supplements thereto as may be necessary.

- (b) Where a person owns, operates, or occupies properties at more than one location, which constitute separate industrial discharges, separate information submittals shall be made for each location as may be required by the City.
- (c) The City shall implement measures to ensure the confidentiality of information provided by an industrial discharger pursuant to this chapter. Upon the written request of the person furnishing a report, permit application, or questionnaire under the provisions of this chapter which might disclose trade secrets or secret processes, such information shall not be made available to the public, except as may be required by State or Federal law. The physical and chemical characteristics of a discharger's wastewater effluent discharged to the City's sewer system shall not be recognized as confidential information or as a trade secret. However, all records relating to compliance with pretreatment standards and all other records or documents required by state or federal law to be subject to public access shall be available to the public.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-35. - Wastewater discharge permit issuance process.

- (a) *Duration.* A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Assistant City Manager for Utilities Director of Utilities. Each wastewater discharge permit will indicate a specific date upon which it will expire.
- (b) *Contents.* A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Assistant City Manager for Utilities Director of Utilities 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.
  - (1) Wastewater discharge permits must contain:
    - a. A statement that indicates wastewater discharge permits duration, which in no event shall exceed five (5) years.
    - b. A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with subsection (e) below, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
    - c. Effluent limits, including Best Management Practices, based on applicable pretreatment standards;
    - d. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
    - e. 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.
    - f. Requirements to control Slug Discharge, if determined by the Director of Utilities to be necessary.
  - (2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:
    - a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulations and equalization;

- b. 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;
  - c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
  - d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - e. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
  - f. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
  - g. A statement that compliance with the 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 wastewater discharge permit; and
  - h. Other conditions as deemed appropriate by the ~~Assistant City Manager for Utilities~~ Director of Utilities to ensure compliance with this ordinance, and State and Federal laws, rules and regulations.
- (c) *Appeals.* The ~~Assistant City Manager for Utilities~~ Director of Utilities shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the ~~Assistant City Manager for Utilities~~ Director of Utilities to reconsider the terms of a wastewater discharge permit within ten (10) days of notice of its issuance.
- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
  - (2) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
  - (3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
  - (4) If the ~~Assistant City Manager for Utilities~~ Director of Utilities fails to act within ten (10) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
  - (5) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the appropriate court, which has jurisdiction.
- (d) *Modification.* The ~~Assistant City Manager for Utilities~~ Director of Utilities may modify a 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 wastewater discharge permit issuance;
  - (3) A change in the POTW that requires either a temporary or permanent reduction of elimination of the authorized discharge;
  - (4) Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;

- (5) Violation of any terms or conditions of the 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) Revisions of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13 and 9VAC25-31-850;
  - (8) To correct typographical or other errors in the wastewater discharge permit; or
  - (9) To reflect a transfer of the facility ownership or operation to a new owner or operator.
- (e) *Transfer.* 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 ~~Assistant City Manager for Utilities~~ Director of Utilities and the ~~Assistant City Manager for Utilities~~ Director of Utilities approves the wastewater discharge permit transfer. The notice to the ~~Assistant City Manager for Utilities~~ Director of Utilities must include a written certification by the new owner or operator which:
- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
  - (2) Identifies the specific date on which the transfer is to occur; and
  - (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

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

- (f) *Revocation.* The ~~Assistant City Manager for Utilities~~ Director of Utilities may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- (1) Failure to notify the ~~Assistant City Manager for Utilities~~ Director of Utilities of significant changes to the wastewater prior to the changed discharge;
  - (2) Failure to provide prior notification to the ~~Assistant City Manager for Utilities~~ Director of Utilities of changed conditions pursuant to ~~subsection Sec. 34-36(e)~~;
  - (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
  - (4) Falsifying self-monitoring reports;
  - (5) Tampering with monitoring equipment;
  - (6) Refusing to allow the ~~Assistant City Manager for Utilities~~ Director of Utilities timely access to the facility premises and records;
  - (7) Failure to meet effluent limitations;
  - (8) Failure to pay fines;
  - (9) Failure to pay sewer charges;
  - (10) Failure to meet compliance schedules;
  - (11) Failure to complete a wastewater survey or the wastewater discharge permit applications;
  - (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility;  
or
  - (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance. Wastewater discharge permits shall be voided upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

- (g) *Re-issuance.* A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with ~~subsection Sec. 34-33(e)~~ herein, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit
- (h) *Regulation of waste received from other jurisdictions.*
- (1) If another municipality, county, town or user located within another municipality, contributes wastewater to the POTW, the ~~Assistant City Manager for Utilities~~ Director of Utilities shall enter into an intergovernmental agreement with the contributing municipality, authority, county or town.
  - (2) Prior to entering into an agreement required by subsection (1) above, the ~~Assistant City Manager for Utilities~~ Director of Utilities shall request the following information from the contributing government:
    - a. A description of the quality and volume of wastewater discharged to the POTW by the contributing government;
    - b. An inventory of all users located within the contributing government that are discharging to the POTW; and
    - c. Such other information as the ~~Assistant City Manager for Utilities~~ Director of Utilities may deem necessary.
  - (3) An intergovernmental agreement, as required by subsection (1) above shall contain the following conditions:
    - a. A requirement for the contributing government to adopt a sewer use ordinance which is at least as stringent as this ordinance with local limits which are at least as stringent as those established by the City. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or local limits;
    - b. A requirement for the contributing government to submit a revised user inventory on at least an annual basis;
    - c. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling and enforcement, will be conducted by the contributing government; which of these activities will be conducted by the ~~Assistant City Manager for Utilities~~ Director of Utilities and which of these activities will be conducted jointly by the contributing government and the ~~Assistant City Manager for Utilities~~ Director of Utilities.
    - d. A requirement for the contributing government to provide the ~~Assistant City Manager for Utilities~~ Director of Utilities with access to all information that the contributing government obtains as part of its pretreatment activities;
    - e. Limits on the nature, quality, and volume of the contributing governments wastewater at the point where it discharges to the POTW;
    - f. Requirements for monitoring the contributing governments discharge;
    - g. A provision ensuring the ~~Assistant City Manager for Utilities~~ Director of Utilities access to the facilities of users located within the contributing governments jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the ~~Assistant City Manager for Utilities~~ Director of Utilities; and
    - h. A provision specifying remedies available for breach of the items of the inter-governmental agreement.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-36. - Industrial user reporting requirements.

(a) *Baseline monitoring reports.*

- (1) 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) and 9VAC25-31-780 A4, whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the ~~Assistant City Manager for Utilities~~ Director of Utilities a report which contains the information listed in subsection (2) below. At least ninety (90) days prior to commencement of their discharge new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the ~~Assistant City Manager for Utilities~~ Director of Utilities a report which contains the information listed in subsection (2) 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.
- (2) Users described above shall submit the information set forth below.
  - a. *Identifying information.* The name and address of the facility, including the name of the operator and owner.
  - b. *Environmental permits.* A list of any environmental control permits held by or for the facility.
  - c. *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.
  - d. *Flow measurement.* The user shall submit 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 40 CFR 403.6(e) and 9VAC25-31-780 E.
  - e. *Measurement of pollutants.*
    1. The user shall identify the pretreatment standards applicable to each regulated process.
    2. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the ~~Assistant City Manager for Utilities~~ Director of Utilities, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in paragraph (a) above.
    3. Sampling must be performed in accordance with procedures set out in subsection (k) below.
  - f. *Certification.* A statement, reviewed by the user's authorized representative 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.
  - g. *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 used. 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 subsection (b) below.

- h. *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with subsection Sec. 34-33(f) herein.
- (b) *Compliance schedule progress report.* The following conditions shall apply to the compliance schedule required by subsection (a) (2)g. above.
- (1) 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);
  - (2) No increment referred to above shall exceed nine (9) months;
  - (3) The user shall submit a progress report to the ~~Assistant City Manager for Utilities~~ Director of Utilities 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
  - (4) In no event shall more than nine (9) months elapse between such progress reports to the ~~Assistant City Manager for Utilities~~ Director of Utilities.
- (c) *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 ~~Assistant City Manager for Utilities~~ Director of Utilities a report containing the information described in subsections (a) (2) d. through f. above. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c) and 9VAC25-31-780 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 the measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection Sec. 34-33(f) herein.
- (d) *Periodic compliance reports.*
- (1) Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Control Authority during the months of June and December, unless required more frequently in the pretreatment standard or by the Control Authority or the ~~Assistant City Manager for Utilities~~ Director of Utilities, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in subsection Sec. 34-36(a) (2) d. except that the Control Authority may require more detailed reporting of flows. At the discretion of the Control Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may agree to alter the months during which the above reports are to be submitted. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the industrial user must submit documentation required by the Director of Utilities or the Pretreatment Standard necessary to determine the compliance status of the industrial user. All periodic compliance reports must be signed and certified in accordance with subsection Sec. 34-33(f).
  - (2) The Control Authority shall require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. Significant non-categorical industrial users shall submit to the Control Authority at least once every six (6)

months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40CFR Part 136 (2016) and amendments thereto. Where 40 CFR Part 136 (2016) does not contain sampling or analytical techniques for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons, approved by the EPA.

- (3) 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.
- (4) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the ~~Assistant City Manager for Utilities~~ Director of Utilities, using the procedures prescribed in paragraph k below of this section, the results of this monitoring shall be included in the report.

(e) Annual Certification for Non-Significant Categorical Industrial Users.

A facility determined to be a Non-Significant Categorical Industrial User by the Director of Utilities pursuant to the definition of Significant Industrial User in Sect. 34-3 must annually submit the following certification statement signed in accordance with the signatory requirements under the definition of Authorized Representative defined in Sect. 34-3. This certification must accompany an alternative report required by the Director of Utilities:

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 34-3;
- (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:

\_\_\_\_\_  
\_\_\_\_\_

(f) Notification of changed conditions. Each user must notify the ~~Assistant City Manager for Utilities~~ Director of Utilities of any planned 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.

- (1) The ~~Assistant City Manager for Utilities~~ Director of Utilities 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 ~~subsection~~ Sec. 34-33(e) herein.
- (2) The ~~Assistant City Manager for Utilities~~ Director of Utilities may issue a wastewater discharge permit under ~~subsection~~ Sec. 34-33(g) herein or modify an existing wastewater discharge permit under ~~subsection~~ Sec. 34-35(d) herein in response to changed conditions or anticipated changed conditions.

- (3) 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.
- (g) *Notification of potential problems.*
- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the ~~Assistant City Manager for Utilities~~ Director of Utilities and the Northside Wastewater Treatment Plant as identified in the industrial discharge permit of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
  - (2) Within five (5) days following such discharge, the user shall, unless waived by the ~~Assistant City Manager for Utilities~~ Director of Utilities, 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 ordinance.
  - (3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (1) above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
  - 4) Users are required to notify the Director of Utilities and the Northside Wastewater Treatment Plant as identified in the industrial discharge permit immediately of any changes at its facility affecting the potential for a slug discharge.
- (h) *Notification of discharge of hazardous waste.*
- (1) 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 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 ~~subsection~~ Sec. 34-36(e) herein. 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 ~~subsections~~ Sec. 34-36(a), (c), and (d) herein.
  - (2) Dischargers are exempt from the requirements of subsection (1), 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 non-acute 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.

- (3) 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 ~~Assistant City Manager for Utilities~~ Director of Utilities, 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.
  - (4) 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.
  - (5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued hereunder, or any applicable Federal or State law.
- (i) *Reports from unpermitted users.* All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the ~~Assistant City Manager for Utilities~~ Director of Utilities as he may require.
  - (j) *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the ~~Assistant City Manager for Utilities~~ Director of Utilities 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 ~~Assistant City Manager for Utilities~~ Director of Utilities within thirty (30) days after becoming aware of the violation. The user is not required to resample if the ~~Assistant City Manager for Utilities~~ Director of Utilities monitors at the user's facility at least once a month, or if the ~~Assistant City Manager for Utilities~~ Director of Utilities samples between the ~~user's~~ users initial sampling and when the user receives the results of this sampling.
  - (k) *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, 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, sampling and analyses must be performed in accordance with procedures approved by EPA. The City and all users of the POTW may use one (1) or more of the following standard methods for the analysis of effluent where they coincide with 40 CFR Part 136:
    - (1) *Standard Methods for the Examination of Water and Wastewater.* ~~(EPA Approved Edition)~~
    - (2) *American Society for Testing and Materials (ASTM) Annual Book of Standards;* or
    - (3) *Environmental Protection Agency Methods for Chemical Analysis of Water and Wastes.*

(Ord. No. 90-2.11, § 2, 2-6-90; Ord. No. 92-5.4 § 5, 5-7-92)

(l) *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.

- (1) Except as indicated in subsection (2), below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible the ~~Assistant City Manager for Utilities~~ Director of Utilities may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. ~~In addition, grab samples may be required to show compliance with instantaneous discharge limits.~~ 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 City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

~~(2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.~~

(2) For sampling required in support of baseline monitoring and 90-day compliance reports required in Sec. 34-36(a) and Sec. 34-36(c) [40 CFR 403.12(b) and (d) and 9VAC25-31-840 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 Director of Utilities may authorize a lower minimum. For the reports required by paragraphs Sec. 34-36(d) (40 CFR 403.12(e) and 403.12(h) and 9VAC25-31-840E and (H), the user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

- (m) *Timing.* 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.
- (n) *Record keeping.* 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 and 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 Sect. 34-9(d). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the date's 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 of the City or where the user has been specifically notified of a longer retention period by the ~~Assistant City Manager for Utilities~~ Director of Utilities.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-51. - Compliance monitoring.

- (a) *Right of entry; inspection and sampling.* The ~~Assistant City Manager for Utilities~~ Director of Utilities, or his/her designated representative, 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 wastewater discharge permit or order issued hereunder. Users shall allow the ~~Assistant City Manager for Utilities~~ Director of Utilities 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.
- (1) 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 ~~Assistant City Manager for Utilities~~ Director of Utilities, or his/her designated representative, will be permitted to enter without delay for the purposes of performing specific responsibilities.

- (2) The ~~Assistant City Manager for Utilities~~ Director of Utilities 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.
  - (3) The ~~Assistant City Manager for Utilities~~ Director of Utilities 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 his own expense. All devices used to measure wastewater flow and quality shall be calibrated weekly to ensure their accuracy.
  - (4) 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 ~~Assistant City Manager for Utilities~~ Director of Utilities and shall not be replaced. The costs of clearing such access shall be borne by the user.
  - (5) Unreasonable delays in allowing the ~~Assistant City Manager for Utilities~~ Director of Utilities, or his/her designated representative, access to the user's premises shall be a violation of this ordinance.
- (b) *Search warrants.* If the ~~Assistant City Manager for Utilities~~ Director of Utilities, or his/her designated representative, 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 City 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 then the ~~Assistant City Manager for Utilities~~ Director of Utilities may seek issuance of a search warrant from the appropriate court.
- (c) *Confidential information.* Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs and from the ~~Assistant City Manager for Utilities~~ Director of Utilities 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 ~~Assistant City Manager for Utilities~~ Director of Utilities 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 by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-38. - Publication of users in significant noncompliance.

The ~~Assistant City Manager for Utilities~~ Director of Utilities shall publish annually, in the largest daily newspaper published in the municipality where of general circulation that provides meaningful public notice within the jurisdictions served by the POTW is located, a list of the users, which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

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

- (b) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit 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 discharge violation that the ~~Assistant City Manager for Utilities~~ Director of Utilities believes 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 pollutants that has caused imminent endangerment to the public or to the environment or has resulted in the direct 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 a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide within ~~thirty (30)~~ 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, that the ~~Assistant City Manager for Utilities~~ Director of Utilities determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-39. - Administrative enforcement remedies.

- (a) *Notification of violation.* When the ~~Assistant City Manager for Utilities~~ Director of Utilities finds that a user has violated or continues to violate, any provision of this ordinance a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement the ~~Assistant City Manager for Utilities~~ Director of Utilities may serve upon that user a written Notice of Violation (NOV). Within five (5) days of the receipt of this notice 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 ~~Assistant City Manager for Utilities~~ Director of Utilities. 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~~ NOV. Nothing in this section shall limit the authority of the ~~Assistant City Manager for Utilities~~ Director of Utilities to take any action, including emergency actions or any other enforcement action without first issuing a ~~Notice of Violation~~ NOV.
- (b) *Consent orders.* The ~~Assistant City Manager for Utilities~~ Director of Utilities 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 subsections (a) and (c) of this section.
- (c) *Show cause hearing.* The ~~Assistant City Manager for Utilities~~ Director of Utilities may order a user which has violated, or continues to violate, any provision of this ordinance a wastewater discharge permit or order issues hereunder or any other pretreatment standard or requirement, to appear before the ~~Assistant City Manager for Utilities~~ Director of Utilities 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 fourteen (14) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

- (d) *Compliance orders.* When the ~~Assistant City Manager for Utilities~~ Director of Utilities finds that a user has violated, or continues to violate, any provisions of this ordinance a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement the ~~Assistant City Manager for Utilities~~ Director of Utilities 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.
- (e) *Cease and desist orders.* When the ~~Assistant City Manager for Utilities~~ Director of Utilities finds that a user has violated or continues to violate any provision of this ordinance a wastewater discharge permit or order issued hereunder or any pretreatment standard or requirement, or that the user's past violations are likely to occur the ~~Assistant City Manager for Utilities~~ Director of Utilities 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.

- (f) *Administrative fines.*
- (1) When the ~~Assistant City Manager for Utilities~~ Director of Utilities finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the ~~Assistant City Manager for Utilities~~ Director of Utilities may fine such user in an amount of at least one thousand dollars (\$1,000.00) 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 ninety (90) calendar days, be assessed an additional penalty of two (2) percent of the unpaid balance, and interest shall accrue thereafter at a rate of two (2) percent per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
  - (3) Users desiring to dispute such fines must file a written request for the ~~Assistant City Manager for Utilities~~ Director of Utilities to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the ~~Assistant City Manager for Utilities~~ Director of Utilities 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 ~~Assistant City Manager for Utilities~~ Director of Utilities may add the costs of preparing administrative enforcement actions, such as notices 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.
- (g) *Emergency suspensions.* The ~~Assistant City Manager for Utilities~~ Director of Utilities 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 ~~Assistant City Manager for Utilities~~ Director of Utilities 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.

- (1) Any user notified of a suspension of its 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 ~~Assistant City Manager for Utilities~~ Director of Utilities 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 individuals. The ~~Assistant City Manager for Utilities~~ Director of Utilities may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the ~~Assistant City Manager for Utilities~~ Director of Utilities that the period of endangerment has passed, unless the termination proceedings in paragraph (h) of this section are initiated against the user.
- (2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the ~~Assistant City Manager for Utilities~~ Director of Utilities prior to the date of any show cause or termination hearing under subsections (c) and (h) of this section.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

- (h) *Termination of discharge.* In addition to the provisions in ~~subsection~~ Sec. 34-35(f) herein, any user who violates the following conditions is subject to discharge termination:
  - (1) Violation of wastewater discharge permit conditions;
  - (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
  - (3) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
  - (4) Refusal or reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or
  - (5) Violation of the pretreatment standards. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection (c) herein why the proposed action should not be taken. Exercise of this option by the ~~Assistant City Manager for Utilities~~ Director of Utilities shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-40. - Judicial enforcement remedies.

- (a) *Injunctive relief.* When the ~~Assistant City Manager for Utilities~~ Director of Utilities finds that a user has violated, or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the ~~Assistant City Manager for Utilities~~ Director of Utilities may petition the Court through the City's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The ~~Assistant City Manager for Utilities~~ Director of Utilities 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.

(b) *Civil penalties.*

- (1) A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder or any other pretreatment standard or requirement shall be liable to the City for at least one thousand dollars (\$1,000.00) 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.
- (2) The ~~Assistant City Manager for Utilities~~ Director of Utilities 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 the City.
- (3) 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, 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.
- (4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(c) *Criminal prosecution.*

- (1) A user who willfully violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a Class 1 misdemeanor. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

A user who negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall upon conviction, be guilty of a Class 2 misdemeanor. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law. Two (2) or more such violations within two (2) years shall constitute a Class 1 violation.

- (2) A user who willfully introduces any substance into the POTW, which causes personal injury or property damage, shall, upon conviction, be guilty of a Class 1 misdemeanor. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

A user who negligently introduces any substance into the POTW, which causes personal injury or property damage, shall, upon conviction, be guilty of a Class 2 misdemeanor. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law. Two (2) or more such violations within two (2) years shall constitute a Class 1 misdemeanor.

- (3) 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, 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 1 misdemeanor. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- (4) A user who fails to submit reports or other data required by this ordinance shall be guilty of a Class 3 misdemeanor. Two (2) such violations within two (2) years shall constitute a Class 2 misdemeanor. Class 1, 2 and 3 misdemeanors are defined in ~~Section~~ Chapter 1, General Provisions, and Sec. 1-11 of this Code.

- (d) *Remedies nonexclusive.* The remedies provided for in this ordinance are not exclusive. The ~~Assistant City Manager for Utilities~~ Director of Utilities 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 City's enforcement response plan. However, the ~~Assistant City Manager for~~

~~Utilities~~ Director of Utilities may take other action against any user when the circumstances warrant. Further, the ~~Assistant City Manager for Utilities~~ Director of Utilities is empowered to take more than one enforcement action against any noncompliant user.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-41. - Affirmative defenses to discharge violations.

(a) *Upset.*

- (1) 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 noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, and lack of preventive maintenance or careless or improper operation.
- (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (3) below are met.
- (3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and the user can identify the cause(s) of the upset;
  - b. 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
  - c. The user has submitted the following information to the ~~Assistant City Manager for Utilities~~ Director of Utilities 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):
    1. A description of the indirect discharge and cause of noncompliance;
    2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
    3. 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 will 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.

(b) *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~~ Sec. 34-8(a) or the specific prohibitions in ~~subsection~~ Sec. 34-8(b) 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:

- (1) 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
- (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES

permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(c) *Bypass.*

- (1) For the purposes of this section,
  - a. "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
  - b. "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.
- (2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of subsections (3) and (4) below.
- (3)
  - a. If a user knows in advance of the need for a bypass, it shall submit prior notice to the ~~Assistant City Manager for Utilities~~ Director of Utilities at least ten (10) days before the date of the bypass, if possible.
  - b. A user shall submit oral notice to the ~~Assistant City Manager for Utilities~~ Director of Utilities 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.
- (4)
  - a. Bypass is prohibited, and the ~~Assistant City Manager for Utilities~~ Director of Utilities may take an enforcement action against a user for a bypass, unless:
    1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    2. 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
    3. The user submitted notices as required under subsection (3) above.
  - b. The ~~Assistant City Manager for Utilities~~ Director of Utilities may approve an anticipated bypass, after considering its adverse effects, if the ~~Assistant City Manager for Utilities~~ Director of Utilities determines that it will meet the three (3) conditions listed in subsection (4)a. of this section.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-42. - Miscellaneous provisions.

- (a) *Pretreatment charges and fees.* The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's pretreatment program, which may include:

- (1) Fees for wastewater discharge permit applications including the cost of processing such applications;
  - (2) Fees for monitoring, inspection and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
  - (3) Fees for reviewing and responding to accidental discharge procedures and construction;
  - (4) Fees for filing appeals; and
  - (5) Other fees as the City 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 City.
- (b) *Severability.* If any court of competent jurisdiction invalidates any provision of this ordinance, the remaining provisions shall not be affected and shall continue in full force and effect.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-43. - Effect of issuance.

Issuance of a discharge permit under this chapter shall not relieve the discharger from complying with all applicable laws, regulations, and chapters promulgated by the City or other Government authority nor shall the issuance of a discharge permit be construed as a representation by the City that the discharge permitted therein complies with such laws, regulations, and chapters. Such permits are issued solely to govern the discharges of wastewater into the City's POTW and the applicable receiving stream and shall not be construed to be agreements or obligations for the benefit of third parties.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-44. - Control structure.

~~Significant industrial users~~ SIUs shall build a control structure in the discharge line from his premises just prior to the entrance of the discharge line into the City wastewater system (or any other location acceptable to the City), suitable for sampling and measuring of his waste. Plans for this structure shall be approved by the City. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analyses. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Blueprints for such facilities will be made available by the ~~significant industrial users~~ SIUs to the City.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-45. - Authority of City to furnish technical advice.

The City is authorized to consult with and furnish technical assistance and advice to industrial user of the City's POTW in order to assist them in devising procedures and constructing equipment to reduce or eliminate from industrial wastes objectionable characteristics or properties which may not otherwise be discharged into the wastewater system under this chapter.

(Ord. No. 2005-05.04, 5-17-05)

Secs. 34-46—34-64. - Reserved.

### ARTICLE III. - BUILDING SEWERS

Sec. 34-65. - Exemptions from article.

Existing building sewers connected to the City's POTW prior to February 1, 1984, and that were installed in compliance with applicable City and State code requirements when installed shall be exempt from requirements of this article until repairs or changes are made in the building being served by the POTW.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-66. - Permit for construction or installation.

Any person proposing a new discharge into the City's POTW or a substantial change in the volume or character of pollutants that are being discharged shall notify the City at least forty-five (45) days prior to the proposed change or connection. There shall be two (2) classes of building sewer permits: One for residential, commercial, and insignificant small industrial service as provided in the plumbing code of the City and one for service to significant industrial users. In either case, the owner or his agent shall make application on forms furnished by the City. Permit applications for significant industrial connections shall be supplemented by plans, specifications, or other pertinent information. A permit fee to cover the cost for processing the application, inspection, and other costs associated therewith shall be charged to the owner for each permit issued and be paid to the City at the time the application is filed. In the event the premises changes ownership before the work is completed or if another contractor is chosen to perform or finish the work, the original permit becomes void and a new permit must be obtained by the new parties in interest.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-67. - General construction and installation standards.

The size, slope, alignment, and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing codes and other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth for building sewer construction in ASTM and WPCF specifications shall apply.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-68. - Use of old sewers for new buildings.

Old building sewers may be used in connection with new buildings only when they are tested by a licensed plumber and documentation provided to the City verifying the sewer is in good repair for the intended use and meets all requirements of this chapter.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-69. - Elevation; lifting devices.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer. Duplex lift systems shall be provided when required by the plumbing code.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-70. - Excavations to be guarded; restoration of disturbed public property.

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

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-71. - Inspection and connection to public sewer generally.

- (a) The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The City shall do such inspection and testing as may be necessary.
- (b) The connection of the building sewer into the public sewer shall conform to the requirements of the City and State building and plumbing codes or other applicable laws and regulations of the City and State and shall be made gas tight and water tight and be verified by proper testing.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-72. - Location of sewer tap prior to installation.

No drainage system shall be installed until the location and elevation of the sewer tap is determined. All costs and expense incident of the installation, connection, and maintenance of the building sewer from the building drain to the public sewer mains, including that portion which is in the Right-of-Way, shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-73. - Individual building sewers.

Any lot of records on which buildings are existing or proposed, and in which plumbing fixtures are installed or are proposed to be installed, shall be provided with an individual building sewer, which is separate from and independent of that serving buildings on any other lot.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-74. - Surface runoff and groundwater drains.

- (a) No person shall connect roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains to any sewer, which is connected to a treatment works unless such connection is authorized in writing by the City. The connection of such drains shall conform to codes specified in the applicable codes or as specified by the City as a condition of approval of such connection.
- (b) Except as provided in subsection (a) above, roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains shall discharge to natural outlets or storm sewers.

(Ord. No. 2005-05.04, 5-17-05)

Secs. 34-75—34-78. - Reserved.

ARTICLE IV. - FEES

Sec. 34-79. - Sewer use charges.

- (a) Charges for use of the City's POTW shall be set by the City Council. Such charges and rates shall be based on wastewater volumes and strength determined by metering, sampling, and laboratory analysis of the discharges into the City's sewerage system as provided in this chapter.
- (b) All persons discharging wastewater into the City's POTW shall be rendered bills for the charges for such service. The bill shall include the proportionate share of:
- (1) All fixed charges, amortization costs, and interest on all facilities required for collecting, pumping, transporting, and treating the wastewater.
  - (2) All variable charges for operation and maintenance costs incurred by the City in collecting, pumping, transporting, and treating the wastewater in its facilities.
- (c) For billing purposes, the volume of waste discharged into the city's sewer system shall normally be based on the metered water consumption of the user as shown in the records of meter reading maintained by the City. Whenever any industrial user purchases all his water from the City and considers that significant quantities of water used in his plant are not returned to the POTW, he may request that the billings be based upon metered wastewater quantities. If approved by the City, such user may then provide and maintain, at the user's own expense a meter acceptable to the City for the measurement of the quantities of wastewater discharged. The meter shall be accessible for inspection by the City at all times and shall be maintained to produce an accurate record of the true quantities of wastewater discharged. Whenever the user obtains any part of his water supply from sources other than the City the quantities of wastewater shall be determined from the metered quantities of wastewater discharged to the City's POTW. Wastewater meters shall be provided and maintained by the owner to produce an accurate record of the true quantities of wastewater discharged to the sewer system. In lieu of wastewater meters the user may use a water meter on his input water line and, when acceptable to the City, this water meter reading shall be used as the volume of wastewater flow for computing charges. All costs of meter installation, calibration and maintenance shall be borne by the user at his own expense. The type of meters shall be acceptable to the City and the meters shall be accessible at all times for inspection by the City. Single-family residence users and businesses and commercial establishments with wastewater discharges less than five hundred (500) gallons per day may be charged a flat monthly charge in lieu of installing metering equipment as required above. Flow rates and charges may be determined by population equivalents or water usage for these users.
- (d) Rates and charges for wastewater services shall be payable as billed. The bills shall be sent through the United States mail or hand delivered notifying all persons of the amount and date due. Failure to receive notice shall not be an excuse for nonpayment of bills. Persons not having paid their bills within the period specified on the bill will be delinquent. After proper notice of delinquency and hearing in accordance with this chapter and City policy, the water or sewer connection serving the premises may be terminated until the bill is paid.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-80. - Sampling fees.

The City shall publish no less frequently than yearly a schedule of water and wastewater analyses fees. These fees shall reflect the cost of personnel, equipment and materials needed to collect and analyze the significant industrial user wastewater samples.

The City shall charge all such users uniformly according to said schedule of fees and shall charge for surcharge monitoring, compliance monitoring, and any additional monitoring requested by such user.

The City shall not perform industrial user routine self-monitoring required under the provisions of an industrial discharge permit.

(Ord. No. 2005-05.04, 5-17-05)

Secs. 34-81—34-93. - Reserved.

#### ARTICLE V. - PRIVATE WASTEWATER DISPOSAL SYSTEMS

Sec. 34-94. - When required.

Where a public sanitary sewer is not available within three hundred (300) feet of a property line, the building sewer for such premises shall be connected by the owner or occupant to a private wastewater disposal system approved by the ~~State Department of Health~~ DEQ.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-95. - Permit to construct; inspection of work.

- (a) Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a permit from the City and have approval of the ~~State Department of Health~~ DEQ as required in ~~section~~ Sec. 34-94. The application for the City permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications, and other information required by the City. A permit and inspection fee shall be paid to the City at the time the application is filed.
- (b) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the City and the ~~State Department of Health~~ DEQ. The City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection, and before any underground portions are covered.
- (c) City permits issued for private wastewater disposal systems in the City are issued solely to govern such construction and operation within the City as specified and, being an agreement between the property owner and the City, shall not be construed to benefit any third party.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-96. - Type, capacity, location, etc.

The type, capacities, location, and layout of a private wastewater disposal system shall comply with the recommendations and guidelines of ~~the Department of Health of the Commonwealth of Virginia~~ DEQ. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-97. - Operation and maintenance.

The owner shall operate and maintain private wastewater disposal facilities in a sanitary manner at all times in accordance with City and State criteria, at no expense to the City.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-98. - Septic tanks and cesspools not to discharge into natural outlets.

No septic tank or cesspool shall be permitted to discharge into any natural outlet.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-99. - Connection to public sewer and abandonment of private facilities.

At such time as a public sewer becomes available within three hundred (300) feet of the property line of a property served by a private wastewater disposal system, as provided by ~~section~~ Sec. 34-30 and malfunction or failure of the private system occurs, a direct connection shall be made to the public sewer within sixty (60) days in compliance with this chapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be abandoned, cleaned of sludge, and filled with suitable material.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-100. - Additional requirements.

No provision of this article shall be construed to interfere with any additional requirements that may be imposed by other local, state, or federal laws and regulations.

(Ord. No. 2005-05.04, 5-17-05)

Sec. 34-101. - Effective date.

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

(Ord. No. 2005-05.04, 5-17-05)

Footnotes:

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Editor's note—Ord. No. 2005-05.04, adopted May 17, 2005, amended Ch. 34 in its entirety to read as herein set out. Former Ch. 34, §§ 34-1—34-37, 34-47—34-64, 34-71—34-74, 34-79, 34-80, 34-94—34-100, pertained to similar subject matter, and derived from Ord. No. 90-2.11, § 2, adopted Feb. 6, 1990; Ord. No. 92-5.4, §§ 2—5, adopted May 7, 1992; Ord. No. 93-9.7, adopted Sept. 7, 1993; Ord. No. 93-9.9, adopted Sept. 7, 1993.

Cross reference— Director of Community Development and Engineering to have control of design and planning of sewers and treatment plants, § 2-177; building and development regulations generally, Ch. 9;

storm drainage, § 9-151 et seq.; erosion and sediment control, Ch. 13; garbage and refuse, Ch. 17; subdivisions, Ch. 35.5; utility services, Ch. 38; zoning, Ch. 41.

**State Law reference—** Authority of city to establish, maintain and operate sewage disposal systems, Code of Virginia, § 15.2-2122; authority to regulate sewage disposal, § 15.2-2157; sewage disposal generally, § 32.1-163 et seq.





Commission Item Number: DUC200824 - 3  
Utility Commission Meeting: August 24, 2020  
Item: II. D. Proposed Amended Agreement with  
Inframark to Accept Biosolids from Chatham

**Proposed Amended Agreement with Inframark to Accept Biosolids from Chatham**

Alan Johnson will discuss a proposed amendment to the City's Inframark agreement to accept biosolids from Chatham's Wastewater Treatment plant for \$0.005/gallon. The proposal would involve blending Chatham's biosolids with Danville's so they could both go through the same stabilization process. The blended biosolids will ultimately be land applied following the rules and regulations set by Virginia DEQ, North Carolina DEQ, and EPA.

**Recommendation**

**I move that the Danville Utility Commission recommend to City Council allowing the City Manager to amend the current agreement with Inframark to include accepting biosolids from the town of Chatham, VA.**



FIFTH AMENDMENT  
TO THE  
WATER AND WASTEWATER OPERATION AND MAINTENANCE AGREEMENT

between

INFRAMARK, LLC

and

THE CITY OF DANVILLE

Dated December 9, 2013

THIS FIFTH AMENDMENT (the “Amendment”) is made on this 1<sup>st</sup> day of June 2020, by the City of Danville, Virginia (hereinafter the “City”), and Inframark, LLC, a Texas limited liability company with its principal place of business at 2002 West Grand Parkway North, Suite 100, Katy TX 77449.

WHEREAS, the City and Severn Trent Environmental Services, Inc. entered into a Water and Wastewater Operation and Maintenance Agreement (the “Original Agreement”) dated December 9, 2013;

WHEREAS, on January 30, 2015, the City and Severn Trent Environmental Services, Inc. entered into a First Amendment to the Original Agreement (hereinafter referred to as the “First Amendment”);

WHEREAS, in June of 2017, Severn Trent Environmental Services, Inc. changed its structure to Severn Trent Environmental Services, LLC, which assumed all rights and obligations of Severn Trent Environmental Services, Inc.;

WHEREAS, on September 12, 2017, the City and Severn Trent Environmental Services, LLC entered into a Second Amendment to the Original Agreement (hereinafter referred to as the “Second Amendment”);

WHEREAS, on December 1, 2017, Severn Trent Environmental Services, LLC changed its name to Inframark, LLC (hereinafter referred to as the “Operator”), which assumed all rights and obligations of Severn Trent Environmental Services, Inc. and Severn Trent Environmental Services, LLC;

WHEREAS, pursuant to Section 9.1 of the Agreement, the Agreement was automatically renewed until December 31, 2023;

WHEREAS, on December 28, 2018, the City and Operator entered into a Third Amendment to the Original Agreement (hereinafter referred to as the “Third Amendment”);

WHEREAS, on March 1, 2020, the City and Operator entered into a Fourth Amendment to the Original Agreement (hereinafter referred to as the “Third Amendment”) (the Original Agreement as amended by the First Amendment, Second Amendment, Third Amendment, and Fourth Amendment is hereafter collectively referred to as the “Agreement”);

NOW, THEREFORE, in consideration of the mutual promises contained herein and subject to the terms and conditions herein stated, the Parties hereby agree to amend the Agreement as follows:

1. All capitalized terms contained in this Amendment and not specifically defined herein, shall have the meaning provided to such terms in the Agreement.
2. The following shall be added to the Agreement as Section 8.7:

At the end of each Agreement Year, Client shall invoice Operator \$0.005 per gallon of Process Residue delivered to the Facilities from the Town of Chatham, Virginia's wastewater treatment facility in accordance with Client's Process Residue Management Plan, which is attached hereto as Exhibit E. Operator shall pay such invoice within sixty (60) days of receipt of an invoice from Client.

3. The Client's Process Residue Management Plan as attached hereto shall be added to the Agreement as Exhibit E.
4. All remaining terms and provisions of the Agreement shall remain in full force and effect to the extent that they do not conflict with this Amendment. In the event of any conflict between the provisions of this Amendment and the provisions of the Agreement, the provisions in this Amendment shall control.
5. The Amendment shall be binding upon the parties hereto and their respective legal representatives, successors and assigns.
6. This Amendment may be executed in one or more counterparts, each of which will be deemed an original copy of this Amendment and all of which, when taken together, will be deemed one and the same agreement.

IN WITNESS WHEREOF, Client and Operator have caused this Amendment to the Agreement to be executed in their respective names by their duly authorized representatives on this 29th day of May 2020.

CITY OF DANVILLE, VIRGINIA:

By: \_\_\_\_\_

Name: Ken Larking

Title: Danville, VA City Manager

INFRAMARK, LLC:

By: \_\_\_\_\_

Name: Jerry Shupe, Jr.

Title: Vice President, Mid-Atlantic Region

## EXHIBIT E

### Danville, Virginia Wastewater Treatment Plant Biosolids Management Plan

#### Summary (June 1, 2017)

This Biosolids Management Plan, as required by the NPDES/VPDES, outlines the biosolids treatment processes and the respective monitoring and analysis required to meet state and federal regulations. The original biosolids management plan was originally approved by the Virginia Department of Environmental Quality (DEQ) and is being updated to comply with the new VPDES permit requirements that became effective June 1, 2014.

The Northside Wastewater Treatment Plant (NSWWTP) biosolids consist of primary and secondary sludge that are wasted to the sludge holding tanks and then pumped to the Southside storage facility for stabilization. The Southside storage facility contains two 7.5-million-gallon basin that provide treatment and storage for the City of Danville biosolids.

In addition to the biosolids wasted from the NSWWTP to the Southside storage facility, waste biosolids from the Town of Chatham Wastewater Treatment Plant are also hauled to the storage facility for stabilization. Chatham's biosolids are blended with Danville's and go through the same stabilization process. The blended biosolids will ultimately be land applied following rules and regulations set by Virginia DEQ, North Carolina DEQ, and EPA.

The City of Danville has one primary method of treatment and two alternatives that could be used if the primary method fails. The treatment methods can be found in the Appendix pages 4-11. The treatment methods will all meet class B requirements.

All of the biosolids, no matter the treatment, will be land applied. The City of Danville has 960 acres of land permitted in North Carolina. At present, EMA Resources Inc. is contracted to perform the land application of biosolids and develop the annual report for the VADEQ, NCDEQ and EPA.

The required sampling and testing will comply with VPDES permit VA0060593 and NCDEQ Residuals Land Application Permit WQ0036561. All samples shall be representative of the contents of the basin or the sludge being applied as required. Sampling and analysis will be completed prior to and during biosolids disposal to meet Federal 503 regulations and VPDES Permit requirements. All samples will be analyzed by a TNI (The NELAC Institute) accredited laboratory accepted by the state of Virginia.

Odor control is another component of this plan and is addressed on pages 12-14 of the Appendix. The odor control plans are specific to the treatment and land application of biosolids.

#### Reporting

##### Quarterly Reports

A monthly report to the Department of Environmental Quality (DEQ)-Blue Ridge Regional Office and a copy of the report to the DEQ Office of Land Application by the **10th** day of each quarter (as evidenced by the transmission date or postmark), for biosolids activities that occurred in the previous calendar quarter.

If biosolids are not generated, monitored or provided to the land applier under this permit during a calendar quarter, a report shall be submitted stating that no biosolids were generated, monitored or delivered during the reporting period.

- a. The amount of biosolids generated, in dry tons.
- b. The amount of biosolids provided to a permitted land applier, in dry tons.
- c. Biosolids Monitoring Data – The following data shall be submitted with the quarterly report
  - (1) The results of the monitoring specified in (if monitored in the previous quarter):
    - (a) Part III.A.1.b. Biosolids – Metals Limitations;
    - (b) Part III.A.1.c. Biosolids – Pathogen Reduction and Vector Attraction Reduction (VAR) requirements;
    - (c) Part III.A.1.d. Biosolids – Biosolids Characteristics;
  - (2) Monitoring data required by Part III.B.1.c. (1) shall be submitted in the format provided in the Biosolids Monitoring Report. Supporting documentation, including laboratory chain of custody forms and certificates of analyses, shall be submitted with the report;
  - (3) Quarterly average shall be reported as the average of the results of all samples collected within a calendar quarter and analyzed using an approved method, in accordance with Part II.A.1-2 of this Permit. For monitoring periods which include multiple months, if one sample is collected during the monitoring period, that result shall be reported as the monthly average. If samples are collected in different months during the monitoring period, a monthly average shall be calculated for each month in the reporting period and the highest monthly average reported. Individual results and calculations shall be submitted with the report; and
  - (4) The maximum concentration shall be reported as the highest single result from all samples collected and analyzed during a monitoring period.

### **Annual Report**

An Annual Report will be submitted not later than **February 19<sup>th</sup>** of each year to the DEQ-Blue Ridge Regional Office. Each report is for the previous calendar year's activity. If no biosolids were generated and provided to a land applier under this permit during the reporting year, a report shall be submitted stating that no biosolids were generated or delivered during the year. The report shall include at minimum:

- a. A copy of any DMR submitted to EPA;
- b. Part III.A.1.a. Sewage Sludge Annual Production Monitoring;
- c. A summary of biosolids disposal contracts, if any, currently held with other generators, as well as any other biosolids or sludges currently being handled through subcontracts or other agreements. Include biosolids or sludges given to other generators, contractors or land filled, and biosolids or sludges accepted from other generators for treatment or land application. Attach a copy of any Notice and Necessary Information (NANI)'s received with biosolids accepted for land application, and NANI's you provided to contractors to whom you provided biosolids.
- d. Identify other methods used to dispose of or use biosolids or sludge produced during the previous calendar year. Report the annual total amount of biosolids or sludge (in dry metric tons) disposed of or used by each method identified.
- e. Any biosolids monitoring data required by Part III.A. that were not submitted during the reporting calendar year.
- f. The annual report shall be certified and signed in accordance with Part II.K. VPDES VA0060593
- g. Records will be maintained for at least 5 years to comply with state and federal regulations.

# **APPENDIX**

<b><u>Treatment Method</u></b>	<b><u>Page</u></b>
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<b>Primary- Stabilization Treatment</b>	<b>4-5</b>
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<b>Alternative 1- Liquid Alkaline Stabilization</b>	<b>6-8</b>
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<b>Alternative 2-Alkaline Stabilization (Hydrated Lime)</b>	<b>9-11</b>
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## **Odor Control**

<b>Biosolids Basin Odor Control Plan</b>	<b>12-13</b>
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<b>Land Application Odor Control Plan</b>	<b>14</b>
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## **Stabilization Treatment Class B**

### **General**

The objective of the stabilization treatment at the Southside Treatment Plant is to substantially reduce the number of pathogenic organisms, thereby minimizing the health hazard of the sludge, and to substantially reduce the numbers of odor-producing organisms, thereby minimizing nuisance conditions caused by sludge disposal. By meeting Class B requirements without adding lime, the sludge can be land applied to fields that the lime stabilized sludge cannot be applied on due to the high pH of the sludge.

This stabilization process consists of stabilization in the two 7.5 million-gallon tanks at the Southside WWTP. The stabilization tanks will provide the pathogen and vector attraction reduction requirements for land application of Class B sludge.

### **Process Monitoring and Parameters**

#### **A. Physical Observation**

A close watch over treatment stabilization tanks at the Southside WWTP, in combination with operating experience, will enable an operator to optimize system performance. The system will be monitored for odor to ensure proper operation.

#### **B. Sampling and Testing Parameters**

### **Required Analysis**

#### **Biosolids Characteristics:**

These parameters are required **twice during the quarter** when biosolids are being land applied.

- Total Kjeldahl Nitrogen
- Ammonia Nitrogen
- Total Phosphorus
- Nitrate – Nitrite
- Metals
- Total Potassium
- pH
- Alkalinity
- Percent Total Solids
- Percent Total Volatile Solids

#### **Pathogen Reduction: Alternative 1 (9VAC25-31-710.B.3) (40CFR Part 503; table 5-7)**

This analysis is required **twice during the quarter** when biosolids are being land applied. Seven samples will be collected from the basin being hauled from, to document that the necessary pathogen reduction criterion of < 2,000,000 MPN/gram of total solids (dry weight basis) is met.

- Fecal Coliform

**Vector Attraction Reduction (VAR): (9VAC25-31-710.B.1) (40CFR Part 503; table 5-8)  
(Option 1)**

This analysis is required **twice during the quarter** when biosolids are being land applied. (Option 1) Samples will be collected from the basin being hauled from, to document that there has been a minimum of 38% reduction in volatile solids when compared to the volatile solids content of the basin source biosolids (Waste Activated Sludge). If the volatile reduction method option is not used, then a 40-day anaerobic process, with a bench-scale demonstration (Option 2) can be performed.

**Yearly comprehensive and TCLPs will be performed.**

**Alternative 1 - Liquid Alkaline Stabilization  
Class B  
(NOT CURRENTLY USED)**

**General**

The objectives of liquid alkaline stabilization of sludge are (1) to substantially reduce the numbers of pathogenic organisms, thereby minimizing the health hazard of the sludge, and (2) to substantially reduce the numbers of odor-producing organisms, thereby minimizing nuisance conditions caused by sludge disposal. By meeting Class B sludge requirement in the EPA Part 503 Regulations, the alkaline stabilized sludge can be applied to agricultural land and will provide a good source of nitrogen and lime, as well as beneficial organic matter.

Alkaline stabilization is achieved by pumping sludge from the Stabilization Treatment process if it does not meet the required stabilization requirement, to the two 750,000-gallon alkaline stabilization tanks. There the sludge will be mixed with liquid lime. The liquid system consists of two 750,000 tanks which is where the liquid alkaline stabilization process takes place.

Sludge is pumped to fill these tanks to an appropriate level. After the tanks are filled and mixed, a sample is collected to measure the percentage total solids. Using the volume and percentage total solids, the total dry tons are calculated. The dry tons will be used to calculate the lime requirement at 32 percent on a dry weight basis. The required lime requirement is then ordered.

Lime is delivered by truck and pumped into the tanks while re-circulated sludge in the tank. This procedure eliminates any lime dust.

The alkaline stabilization process adds sufficient lime to liquid sludge to (1) raise the pH of the mixture to pH 12 or more for two hours, and (2) maintain a pH of 11.5 for 22 hours. The lime dosage is approximately 0.32 pounds per pound of dry solids. The chemical reaction between the solids and the lime also results in an elevated temperature of the solids. The combination of the elevated temperature and high pH normally destroys or inhibits pathogens, as well as microorganisms involved in the decomposition of the liquid solids. Little or no biological decomposition occurs, and the alkaline stabilization process produces few odors. The destruction of pathogenic organisms reduces bacterial hazards from the solids to a relatively safe level.

## **Process Monitoring and Parameters**

### **A. Physical Observation**

A close watch over liquid alkaline stabilization facilities operation, in combination with operating experience, should enable an operator to optimize system performance. Consistent lime and liquid solids will ensure proper lime dosage and proper operation of the process. A consistent, well-mixed liquid/lime mixture with the required pH value indicates proper operation of the alkaline stabilization system.

### **B. Sampling and Testing Parameters**

Sampling and regular monitoring of the liquid/lime mixture is necessary to evaluate the performance of the liquid alkaline stabilization system. The pH must be carefully monitored to ensure that an adequate pH is maintained for a sufficient period of time. Probes must be properly cleaned, calibrated, and maintained. Operators must be aware that the absence of odors is not a good indication of adequate solids stabilization.

### **Required Analysis**

#### **Biosolids Characteristics:**

These parameters are required **twice during the quarter** when biosolids are being land applied.

- Total Kjeldahl Nitrogen
- Ammonia Nitrogen
- Total Phosphorus
- Nitrate – Nitrite
- Metals
- Total Potassium
- pH
- CCE
- Percent Total Solids
- Percent Total Volatile Solids

#### **Pathogen Reduction: (Alternative 2) (40 CFR Part 503; table 5-7) (PSRP Option 5) (9VAC25-31-710.D.5)**

Sufficient lime is added to the sewage sludge to raise the pH of the sewage to 12 after two hours of contact.

#### **Vector Attraction Reduction (VAR): (40CFR Part 503; table 5-8; Option 6) (9VAC25-31-720.B.6)**

Sufficient alkali is added to the sewage sludge to raise the pH of the sewage sludge to 12 or higher, and without the addition of more alkali, maintain the pH at 12 S.U. for two hours and then 11.5 S.U. or higher for an additional 22 hours.

**Yearly comprehensive and TCLPs will be performed.**

## **C. Process Parameters**

### **Contact Time and pH**

Both contact time and pH are important for the alkaline stabilization process. The pH must be raised to a pH of 12 for two hours and maintained at a pH of 11.5 for 22 hours to inactivate or destroy pathogens.

A reduction in pH after lime addition (referred to pH decay) occurs in the following sequence. Initially, atmospheric carbon dioxide (which forms a weak acid when dissolved in water) is taken up and gradually consumes the residual alkalinity of the liquid/lime mixture. As the alkalinity is consumed, the pH begins to gradually decrease. Eventually, a pH is reached where bacterial action can resume and the pH continues to drop from the production of organic acids.

Enough lime must be added to ensure that the pH is maintained at the required value for the total contact time required.

### **Dosage**

The lime dosage must be adequate to provide enough residual alkalinity to maintain a high enough pH for the required contact time before disposal. Adequate lime dosage will help prevent the pH from dropping and permitting growth or reactivation of odor producing and pathogenic organisms. The lime dosage depends on a number of factors, including type of sludge, chemical composition of sludge and solids concentration of sludge. The typical lime dosage is approximately 0.25 pounds per pound of dry solids for class B biosolids.

## **Alternate 2-Alkaline Stabilization (Hydrated Lime) Class B (NOT CURRENTLY USED)**

### **General**

The objectives of alkaline stabilization of sludge are (1) to substantially reduce the numbers of pathogenic organisms, thereby minimizing the health hazard of the sludge, and (2) to substantially reduce the numbers of odor-producing organisms, thereby minimizing nuisance conditions caused by sludge disposal. By meeting Class B sludge requirements in the EPA Part 503 Regulations, the alkaline stabilized sludge can be applied to agricultural land and will provide a good source of nitrogen and lime, as well as beneficial organic matter.

Alkaline stabilization is achieved by mixing the dewatered sludge with lime, followed by transporting it by truck to a curing pad for further drying and stabilization. The alkaline stabilization system consists of one lime storage silo, one bin activator for the storage silo, one volumetric feeder, one alkaline feed screw conveyor, one solids/lime mixer, one belt conveyor (No. 4), and one loading station conveyor (No. 5). Cement kiln dust can also be used as an alternate alkaline stabilizing material. Dewatered sludge from the belt filter presses is discharged to Conveyor No. 1 and then travels to an incline conveyor (No. 2), which carries the dewatered solids to the solids/lime mixer. Conveyor No. 3 can be used to feed recycled alkaline-stabilized material or dewatered solids from Belt Filter Press No. 3 or another location to the solids/lime mixer.

Lime is delivered by truck and conveyed by air into the storage silo by a truck-mounted filling system. Exhaust air for the silo passes through a dust collector. Lime is fed from the lime silo through a volumetric feeder to the alkaline feed screw conveyor.

This conveyor carries the lime to the solids/lime mixer, where it is mixed with the solids from the belt filter presses. The mixture of lime and solids is transported by Conveyors No. 4 and 5 to trucks, and transported by truck to open and covered storage areas for further drying and stabilization.

The alkaline stabilization process adds sufficient lime to dewatered sludge to (1) raise the pH of the mixture to pH 12 or more for 2 hours, and (2) maintain a pH of 11.5 for 22 hours. The lime dosage is approximately 0.25 pounds per pound of dry solids. The chemical reaction between the solids and the lime also results in an elevated temperature of the solids. The combination of the elevated temperature and the high pH normally destroys or inhibits pathogens, as well as microorganisms involved in the decomposition of the dewatered solids. As an added benefit, the elevated temperatures remove excess water. Little or no biological decomposition occurs, and the alkaline stabilization process produces few odors. The destruction of pathogenic organisms reduces bacterial hazards from the solids to a relatively safe level. After curing and further stabilization, the solids content of the alkaline-stabilized solids can increase to over 50 percent.

### **Process Monitoring and Parameters**

#### **A. Physical Observation**

A close watch over alkaline stabilization facilities operation, in combination with operating experience, should enable an operator to optimize system performance. Consistent lime and dewatered solids feed to the mixer is very important since this will ensure proper lime dosage and proper operation of the mixer. A consistent, well-mixed solids/lime mixture with the required pH value indicates proper operation of the alkaline stabilization system.

#### **B. Sampling and Analysis**

Sampling and regular monitoring of the solids/lime mixture is necessary to evaluate the performance of the alkaline stabilization system. The pH must be carefully monitored to ensure that an adequate pH is maintained for a sufficient period of time. pH probes must be properly cleaned, calibrated, and maintained. Operators must be aware that the absence of odors is not a good indication of adequate solids stabilization.

### **Required Analysis**

#### **Biosolids Characteristics:**

These parameters are required **twice during the quarter** when biosolids are being land applied.

- Total Kjeldahl Nitrogen
- Ammonia Nitrogen
- Total Phosphorus
- Nitrate – Nitrite
- Metals
- Total Potassium
- pH
- CCE
- Percent Total Solids
- Percent Total Volatile Solids

**Pathogen Reduction: (Alternative 2) (40 CFR Part 503; table 5-7) (PSRP Option 5)**  
**(9VAC25-31-710.D.5)**

Sufficient lime is added to the sewage sludge to raise the pH of the sewage to 12 after two hours of contact.

**Vector Attraction Reduction (VAR): (40CFR Part 503; table 5-8; Option 6)**  
**(9VAC25-31-720.B.6)**

Sufficient alkali is added to the sewage sludge to raise the pH of the sewage sludge to 12 or higher, and without the addition of more alkali, maintain the pH at 12 S.U. for two hours and then 11.5 S.U. or higher for an additional 22 hours.

**Yearly comprehensive and TCLPs will be performed.**

**C. Process and Parameters**

**Contact Time and pH**

Both contact time and pH are important for the alkaline stabilization process. The pH must be raised to a pH of 12 for 2 hours and maintained at a pH of 11.5 for 22 hours to inactivate or destroy pathogens.

A reduction in pH after lime addition (referred to as pH decay) occurs in the following sequence. Initially, atmospheric carbon dioxide (which forms a weak acid when dissolved in water) is taken up and gradually consumes the residual alkalinity of the solids/lime mixture. As the alkalinity is consumed, the pH begins to gradually decrease. Eventually, a pH is reached where bacterial action can resume and the pH continues to drop from the production of organic acids.

Enough lime must be added to ensure that the pH is maintained at the required value for the total contact time required.

**Dosage**

The lime dosage must be adequate to provide enough residual alkalinity to maintain a high enough pH for the required contact time before disposal. Adequate lime dosage will help prevent the pH from dropping and permitting growth or reactivation of odor producing and pathogenic organisms. The lime dosage depends on a number of factors, including type of sludge, chemical composition of sludge and solids concentration of sludge. The typical lime dosage is approximately 0.25 pounds per pound of dry solids for class B biosolids.

# Biosolids Odor Control Plan – Northside and Southside Wastewater Treatment Plants

Facility Name: Danville Northside and Southside Wastewater Treatment Plants

VPDES/NPDES Permit Number: VA0060593

Address: 229 Northside Drive

City State: Danville, Virginia

Owner Contact Name: Alan Johnson

Phone Number: 434-799-6473

Email address: [johnsra@danvilleva.gov](mailto:johnsra@danvilleva.gov)

Operator Contact Name: Jerry Shupe

Phone Number: 434-799-5137

Email Address: [Jerry.Shupe@Inframark.com](mailto:Jerry.Shupe@Inframark.com)

Definitions:

**Malodor**- an unusually strong or offensive odor associated with biosolids or sewage sludge as distinguished from odors commonly associated with biosolids or sewage sludge.

## 1) Identify methods used to minimize odor during production of biosolids:

Vector Attraction Reduction Method:

38% VSS solids reduction – Treatment minimizes odors through anaerobic digestion to produce Class B biosolids. Digestion detention times and digester temperatures along with volatile solids reduction are monitored to ensure that State and Federal standards are achieved.

Lime Addition: Treatment includes adding sufficient lime to the biosolids to raise the pH to > 12 after two hours and then testing again after an additional 22 hours for a pH greater than 11.5. Lime feed rates and biosolids pH data will be recorded and checked.

### Additional procedures (if applicable):

15-day minimum detention time and a minimum of 95 degrees F in anaerobic digestion will be maintained

SOUR testing of biosolids

Fecal coliform testing of biosolids

## 2) Identify methods used to identify malodorous biosolids at the generating facility:

Wastewater treatment facility staff will periodically perform visual as well as odor observations of the biosolids being discharged from the centrifuge or pug mill to ensure that nothing out of the ordinary is occurring during processing operations. If the solids

appear to be off color or have unusual odors, these biosolids will be separated from the normal biosolids or sent to landfill.

- Volatile solids testing and tracking
- Wastewater treatment facility staff will periodically observe loading operations to check odor conditions of biosolids

**3) Identify methods used to identify and abate malodor after delivery to a land application site (before land application):**

- The land application contractor's personnel will perform a visual as well as odor observation of biosolids delivered to the land application sites. They will determine if any of the individual loads arriving on-site appear to be more odorous and darker in color than usual. If malodor of the biosolids is present, the contractor will confer with wastewater treatment plant staff and can remove the biosolids and return those loads to the wastewater treatment plant for further treatment or transport to a landfill.
- Confer with land applicator and utilize a remote land application site
- Check pH levels on suspect lime stabilized biosolids
- Contract land applicator will use methods identified in land applicator's odor control plan

**4) Identify methods used to abate malodor after land application:**

- Incorporate biosolids into the soil
- Use a deodorizer
- Contract land applicator will use methods identified in land applicator's odor control plan, see page 14 Biosolids Management Plan

## **City of Danville Land Application Odor Control Plan**

### **1. Purpose**

To reduce and control malodorous conditions both before land application and after land application has occurred.

### **2. Operational Functions**

In the event that malodors are detected once the material has been transported to a field but before the material has been land applied, EMA Project managers will notify Severn Trent Services personnel of the problem and future loads will be stopped until the issue is resolved. EMA Resources Project managers will look for more remote land application sites to minimize local impact. If no suitable

sites can be found, and the odor is deemed to be unsuitable, the load will be returned to the lagoon and lime addition will be considered.

In the event that malodors are detected once the material has been land applied to a field, EMA Resources Project managers will notify Severn Trent Services personnel and future trucks will be stopped until the issue is resolved. Methods to address the nuisance conditions will consist of incorporation using a disc. If that is unsuitable for the field or the farmer, agricultural lime can be applied to reduce any malodors that remain.