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CHAPTER 39

SEWERS AND SEWAGE DISPOSAL

AN ORDINANCE ENTITLED "SEWERS AND SEWAGE DISPOSAL," OF THE ORDINANCE OF THE COUNTY OF PITTSYLVANIA, VIRGINIA, ESTABLISHING A SYSTEM OF REGULATION FOR THE PURPOSE OF BRINGING THE INSTALLATION, OPERATION, AND MAINTENANCE OF PUBLIC SEWER FACILITIES IN THE COUNTY AND THE PITTSYLVANIA COUNTY SERVICE AUTHORITY'S USE OF THE CITY OF DANVILLE'S WATER POLLUTION CONTROL FACILITIES INTO COMPLIANCE WITH THE REQUIREMENTS OF STATE AND FEDERAL LAW.

WHEREAS, the Pittsylvania County Service Authority (PCSA) was created pursuant to law in 1972 and as such owns and operates and maintains various water and sewer programs and facilities in the County in accord with the Water and Sewer Authorities Act; and

WHEREAS, the County desires to adopt a policy and system of regulation so to make the installation, operation and maintenance of public sewer facilities consistent with state and federal law with respect to the regulation of wastewater discharges into any public sewer systems or facilities in the County, including where appropriate, pretreatment of such discharges, and to cooperate with the City of Danville in the treatment of wastewater so as to permit the City to avoid making discharges into the Dan River and other waters of the Roanoke River Basin in violation of state and /or federal law;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Pittsylvania, Virginia that Ordinance No. 39, adopted on December 3, 1990, entitled "An Ordinance Entitled 'Sewers and Sewage Disposal', of the Ordinances the County of Pittsylvania, Virginia, Establishing A System of Regulation for the Purpose of Bringing the Installation, Operation, and Maintenance of Public Sewer Facilities in the County and the Pittsylvania County Service Authority's Use of the City of Danville's Water Pollution Control Facilities into compliance with the Requirements of State and Federal Law," be, and the same hereby is, amended and reordained to read as follows:

Article I.

In General

Division 1. GENERALLY

SEC. 39-1. OBJECTIVES.

- A. The purpose of this ordinance is to regulate the use of public and private sewers, drains, and private wastewater disposal, the installation and connection of building sewers, and the discharge of waste into the public sewer facilities in the County, to establish uniform requirements for direct and indirect discharges into the public sewer facilities in the County, to provide for maximum beneficial public use of the public sewer facilities in the County, and the City of Danville's water pollution control facilities, and to comply with the "Clean Water Act of 1977, as amended," and other requirements of state and federal law. The objectives of this ordinance are:
1. To prevent the introduction of harmful materials into the sewer facilities in the County and the City of Danville water pollution control facilities 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 ordinance;
 3. To enhance the opportunity for recycling, reclamation, and reuse of the City of Danville's wastewater treatment plant's effluent and allow continued utilization by the City of Danville of wastewater sludges generated as a soil amendment or conditioner; ***and to protect Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public; to enable the County and the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the Publicly Owned Treatment Works is subject; and to provide for the equitable distribution of the cost of sewer service to all users.***
- B. This ordinance is intended to provide for the regulation of contributors to the public sewer systems in the County and indirectly to the City of Danville's water pollution control facilities 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 to assure that existing customer's capacity will not be unnecessarily preempted. This ordinance further provides for the setting of fees for the purpose of equitably distributing the costs of the program established herein. This ordinance shall apply within the County of Pittsylvania, Virginia and to persons outside the County, who are, by contract or agreement with the PCSA or a town in the County, are users of the public sewer systems in the County.

Except as otherwise provided herein, the County Administrator, the Executive Director of the Pittsylvania County Service, or town official responsible for the operation and maintenance of public sewer facilities in the County, or their designated representatives, shall administrate, implement, and enforce the provisions of this ordinance.

Applicable state and federal standards and limitations shall constitute the minimum standards and limitations acceptable for this ordinance; however, if the standards and limitations contained in this ordinance 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.

SEC. 39-2. GENERAL DEFINITIONS.

Unless the context or usage indicates otherwise, the meaning of terms used in this ordinance and not defined in Article I, Division I, Section 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 Federation.

SEC. 39-3. SPECIFIC DEFINITIONS.

The following words, terms, phrases, and abbreviations, when used in this ordinance, 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, as amended, by the Clean Water Act and the Water Quality Act of 1987, 33 U. S. C. 1251, et seq.

Administrator shall mean either the Executive Director of the PCSA or any town manager or other town official having authority over public sewer facilities in the County, depending upon which public sewer facilities are involved, or any authorized representative of the Executive Director or of such official.

Approval Authority shall mean the Executive Director or Director of the State Water Control Board of the Commonwealth.

ASTM shall mean the American Society for Testing and Materials.

Authorized representative of an industrial user shall mean:

1. A principal executive officer of at least the level of vice-president, if the industrial user is a corporation.
2. A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively.
3. A duly authorized representative of the industry or individual designated above, if such representative is responsible for the overall operation of the facilities that discharge waste into the PCSA's sewer system. Such representative shall also be a

person holding a responsible position and his or her name shall be provided to the PCSA and the City POTW in writing. The PCSA and the City's POTW will be informed in writing immediately upon any change in the identity of the authorized representative. Baseline Monitoring Report or BMR shall mean a report that conforms to the provisions of 40 C.F.R. § 403.12. (b) and contains the information and data contained therein.

Biochemical Oxygen Demand or BOD 5 shall mean a standard test used in assessing sewage 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 procedure in "Standard Methods."

BOD shall mean biochemical oxygen demand.

Building sewer shall mean a sewer conveying wastewater from the premises of a user to the POTW.

Categorical or pretreatment standards – 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 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 County'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 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.

Contract hauler shall mean any person that under contract hauls wastewater by tank trucks to a POW for disposal and treatment.

Control authority shall refer to the City, County, the PCSA, or an administrator, or any authorized designee thereof, who is granted authority herein for implementing and enforcing State approved pretreatment program.

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

County shall mean the County of Pittsylvania, Virginia, or any duly authorized officials acting on behalf of the County.

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 public sewer facilities in the County or within the definition of a POTW.

Discharger shall mean a person who discharges wastewater into the public sewer facilities in the County.

Environmental Protection Agency or EPA shall mean the United States Environmental Protection Agency or duly authorized officials of the agency.

Existing Source – 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.

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 without consideration of time.

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

Indirect discharge shall mean the discharge or introduction of non-domestic wastewater pollutants from any source regulated under section 307(b) or (c) of the Act into a public sewer facilities in the County and/or City's POTW.

Industrial user shall mean any person who introduces pollutants into a POTW from any non-domestic 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 PCSA or any town owning a POTW or sewer system designated and authorized by such political subdivision to conduct hearings in accordance with the provisions of this ordinance.

Inspector shall mean a plumbing inspector, building inspector, industrial monitoring technician, or other person duly authorized by the County, the PCSA, or a town owning a POTW and related sewer system to inspect wastewater generation, conveyances, processes, pretreatment, and disposal facilities that are connected to and discharged into public sewer facilities in the County and/or the City's POTW.

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

Interference shall mean an inhibition or disruption of a POTW, its treatment processes or operations or its sludge processes, of any public sewer facilities in the County, which clearly causes, in whole or in part, a violation of any requirement of the POTW's VPDES permit, including those discharges that prevent the use or disposal of sludge by a POTW in accordance with any federal or state laws, regulations, permits, or sludge management plans.

Inter-jurisdictional agreement shall mean a contractual agreement between the City of Danville, the County, and the PCSA 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 and by state or federal law.

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 public sewer facilities in the County and/or the City's POTW.

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 as administered by the Commonwealth of Virginia.

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 are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
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 paragraphs (1) (a) or (1) (c) 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; or
 - (b) Entered into a binding contractual obligation for the purpose of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Non-contact cooling water – Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

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

Overload shall mean the imposition of any pollutant or other substance or hydraulic loading on a POTW, including the City's, 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.

PCSA shall mean the Pittsylvania County Service Authority or any duly authorized official(s) acting in its behalf.

Pass through shall mean a discharge which exits a POTW, including that of the City, 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 a POTW's VPDES permit, including that of the City, (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.

ph shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter, and indicates the degree of acidity or alkalinity of a substance. A ph value of 7.0 is neutral, being neither acid nor alkaline. Values below 7.0 are acid and those above 7.0 are alkaline (basic).

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, sewage, garbage, munitions, chemical waste, biological material, wrecked or discharged equipment, rock, sand, cellar dirt or industrial, municipal, or agricultural waste.

Pretreatment or treatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into public sewer facilities in the County and/or a POTW.

Public sewer facilities in the County shall mean any publicly owned sewer or sewer system located in the County or any POTW in the County.

POTW shall mean publicly owned treatment works (POTW) as defined by Section 212 of the Act, (33 U.S.C. 1292), owned and operated by City, the County, the PCSA, or any town. This definition includes any sewers that convey wastewater to the City's POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to a POTW from persons outside the County who are, by contract or agreement with the County, the PCSA or any Town users of the public sewer facilities in the County.

POTW treatment plant shall mean that portion of a POTW, including that of the City, 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 public sewer facilities in the County.

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 shall mean any industrial user subject to National Categorical Pretreatment Standards or any industrial user of any public sewer facilities in the County, including those which discharge into the City's wastewater disposal system, who (a) has a discharge flow of 25,000 gallons or more per average work day, or (b) has a flow greater than five (5%) percent of the flow in the City's wastewater treatment system, or (c) has in its wastes toxic pollutants as defined pursuant to Section 307 of the Federal Water Pollution Control Act or state law or regulation, or (d) is found by the POTW or the State to have significant impact, either alone or in combination with other contributing industries, on the operation of public sewer facilities in the County or the City's POTW, the quality of the sludge, a POTW's effluent discharge quality, or the air emissions generated by such facilities or the City's POTW.

Significant noncompliance shall mean any violation of this ordinance which meets one 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;
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 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 local, state, or federal pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangered the health of any POTW personnel, including those of the City, 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 any POTW's exercise of its emergency authority, including that of the City, under 40 C.F.R. 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) days after the due date, required reports such as baseline monitoring reports, ninety (90) 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 of violations which the Control Authority determines will adversely affect the operation or implementation of any local pretreatment program, including that of the City.

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°). For the purposes of this ordinance, emulsified oil shall be considered as soluble oil.

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.

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 of polluted industrial wastes.

Stormwater shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

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 suspended in, water, sewage, or other liquids; and which are largely removed by laboratory filtering as determined by the appropriate procedure in "Standard Methods," and expressed in parts per million or milligrams per liter by dry weight.

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 a 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.

Toxic 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 treatment process, materially increases the cost of treatment, constitutes a hazard to any beneficial use ascribed to the receiving waters of the effluent from any 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 disposal.

Trade secrets shall mean, but not be 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 any POTW treatment plant or water that would not cause violation of receiving water quality standards and would not be benefited by treatment by any 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 public sewer facilities in the County and/or the City's POTW.

User permit shall mean a document issued by the PCSA or a town and approved by the City, if its POTW will ultimately receive the user's discharges, to the user that permits the connection to or introduction of waste into public sewer facilities in the County and /or the City's POTW under the provisions of this Ordinance.

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 shall mean the spent or used water of a community or industry which contains dissolved and suspended matter.

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

To that Division I, entitled "Generally," of Article I, entitled "In General," of Ordinance No. 39, adopted on December 3, 1990, entitled "An Ordinance Entitled Sewers and Sewage Disposal", of the Ordinances of the County of Pittsylvania, Virginia, Establishing a System of Regulation for the purpose of Bringing the Installation, Operation, and Maintenance of Public Sewer Facilities in the County and the Pittsylvania County Service Authority's Use of the City of Danville's Water Pollution Control Facilities into Compliance with the Requirements of State and Federal Law," be, and the same are hereby, further amended and reordained by amending and re-ordaining Section 9, entitled

"Prohibited discharges," Section 10, entitled "Limited discharges," and Section 12, entitled "Alternatives as to limited discharges," all to read as follows:

Water 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.

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

SEC. 39-4. CLASSES OF PERMITS UNDER CHAPTER.

Four (4) classes of permits shall be issued by the appropriate administrator pursuant to this ordinance and the Uniform Statewide Building (BOCA) Code. Permit application forms will be provided by the appropriate administrator 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.

SEC. 39-5. FALSE OR MISLEADING REPRESENTATIONS UNDER CHAPTER.

Any person who gives any false or misleading representation to the County, the PCSA, any town, or the City under the provisions of this Ordinance shall be guilty of a Class I misdemeanor.

SEC. 39-6. PERMIT TO UNCOVER, CONNECT TO, ETC., SEWER GENERALLY.

No unauthorized person shall uncover, make any connections with or opening into, or use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the PCSA or a town having jurisdiction over such public sewer.

The provisions of this section shall not apply to connections made directly to the City's sewer system by agreement between the City and the PCSA.

SEC. 39-7. LIMITATION ON ISSUANCE OF SEWER CONNECTION PERMIT.

The PCSA shall not issue a permit for any class of connection for industrial or other sewerage requiring pre-treatment as contemplated by this ordinance to the PCSA's sewer unless there is sufficient capacity, not legally committed to others users, in the City's POTW to adequately treat the quantity of wastewater which the requested connection will add to the system. The PCSA may permit such a connection with the permission of the City if there are legally binding commitments to provide the needed capacity.

SEC. 39-8. 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, appertenance, or equipment which is a part of public sewer facilities in the County and/or the City's POTW. Any person violating this section shall be guilty of a Class I misdemeanor.

SEC. 39-9. PROHIBITED DISCHARGES.

- A. It shall be unlawful for any person to discharge or cause to be discharged any pollutant or wastewater which will interfere with the operation and/or performance of public sewer facilities in the County or the City's POTW. These general prohibitions apply to all users whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State, or Local Pretreatment Standards or Requirements. A user shall not contribute the following substances to public sewer facilities in the County and/or City POTW.
1. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to public sewer facilities in the County and/or the City's POTW or to the operation of public sewer facilities in the County and/or the City's POTW, including pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flash point of less than 140°F or 60°C using the best methods specified in 40 C.F.R 261.21. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into such sewer facilities or the City's POTW (or at any point in such sewer facilities or in the City's POTW) be more than five (5%) percent nor any single reading be over ten (10) percent of the Lower Explosive Limit (LEL) of the meter.
 2. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half (1/2) inch in a dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

3. Any wastewater having a pH less than 5.0, as determined on a grab sample of the waste stream, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of public sewer facilities in the County and/or the City's POTW.
4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of any POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.
5. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
6. Any substance which may cause any POTW's effluent or any other product of any POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where any POTW is pursuing a reuse and reclamation program. In no case, shall a substance discharged to any POTW cause any 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. Any substance which will cause any POTW to violate its VPDES Permit or the receiving water quality standards.
8. Any wastewater, liquid, or vapors having a temperature higher than 65°C (150°F), but in no case wastewater with a temperature at any POTW treatment plant which exceeds 40°C (104°F).
9. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow and/or pollutant concentration which a user knows or has reason to know will cause interference to any POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration, quantities, or flow during normal operation.
10. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as to exceed limits established by the appropriate administrator and/or the City, if the user's discharges will be ultimately received by the City's POTW, as well as state and/or federal law.
11. Any wastewater which causes a hazard to human life or creates a public nuisance,

12. Any significant quantity of single pass cooling water, rain water, stormwater, groundwater, roof drainage, street drainage, yard drainage, water from yard foundations, ponds, lawn sprays, or other unpolluted water.
 13. Any water added for the purpose of diluting wastewater which would otherwise exceed applicable maximum contamination limitations for any wastewater contaminants specified in this ordinance.
 14. Any excessive amounts of deionized water, steam condensate, and distilled water, or blow-down and bleed water from cooling towers or evaporative coolers exceeding one-third of the makeup water, Any petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts exceeding 100 mg/l or that will cause interference or POTW pass-through.
 15. Any discharges of trucked or hauled pollutants except at discharge points designated by the POTW.
 16. 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.
- B. Any person violating this section shall be guilty of a Class 1 misdemeanor. Each day any violation of this section shall continue shall constitute a separate offense.

SEC. 39-10. LIMITED DISCHARGES.

- A. The following described substances, materials, waters, or waste shall be limited in discharges into public sewer facilities in the County and/or the City to concentrations or quantities which will not harm such sewers or wastewater treatment facilities, will not have an adverse effect on any receiving stream and will not otherwise endanger public property in the County or City or constitute a nuisance:
1. Strong waste as defined in this ordinance.
 2. Waste containing non-biodegradable fats, wax, grease or oils, 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. 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 operation and

maintenance of public sewer facilities in the County or the operation and maintenance of the City's water pollution control facilities.

- 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 public sewer facilities, in the County and/or the City's wastewater treatment facilities, including its POTW, 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 a POTW, including that of the City.
5. 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 to exceed 10.0.
 7. 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 ordinance, shall immediately supersede the local limitations of this ordinance. The PCSA or any town owning a POTW shall notify all affected users of the applicable reporting requirements under 40 C.F.R. 403.12, 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. Concentrations of constituents listed in local limits established by the City, the County, the PCSA, or any town owning a POTW in accordance with EPA guidance manuals and procedures for developing local discharge limits for a pretreatment program. Such discharge limits promulgated by the City, the County, the PCSA, or any town owning a POTW, may be modified from time to time when deemed necessary to comply with the objectives of this ordinance.
- 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 guilty of a Class I misdemeanor. Each day any violation of this section shall continue shall constitute a separate offense.

SEC. 39-11. GREASE, OIL, AND SAND INTERCEPTORS.

- A. 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, the PCSA, or any town owning a POTW, 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, the County, the PCSA, or any town owning a POTW. 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 authorized inspectors employed by the City, the County, the PCSA, or any town owning a POTW.
- B. Any person violating this section shall be guilty of a Class 3 misdemeanor.

SEC. 39-12. ALTERNATIVES AS TO LIMITED DISCHARGES.

- A. When any wastewater containing substances or characteristics which have or potentially will have a deleterious effect upon any public sewer facilities in the County and/or the City's POTW, or any receiving waters, or which constitutes a public nuisance or hazard, is discharged or proposed for discharge into public sewer facilities in the County and/or City's POTW, the City, County, PCSA, or any town owning a POTW, may deny or condition the discharge as follows:
1. Require pretreatment by the user of the discharge to a condition acceptable for discharge into public sewer facilities in the County and/or 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 public sewer facilities in the County and/or the City's POTW. Pursue remedies for noncompliance by any user, which may include injunctive relief with the civil penalties specified in this ordinance or appropriate criminal penalties and fines.
- B. When discharge restrictions, discharge limits or pretreatment standard pursuant to this ordinance are established as concentration limits to be met by a user, the County, the PCSA,

or any town owning a POTW, or 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 public sewer facilities in the county and/or the City POTW.

- C. When considering the above alternatives, the County, PCSA, or any town owning a POTW, or the City shall evaluate cost effectiveness, the economic impact of the alternatives and the willful noncompliance of the discharger.
- D. The conservation of water and energy shall be encouraged by the County, the PCSA, and any town owning a POTW, and the City. In establishing discharge restrictions upon users, the County, the PCSA and any town owning a POTW, and 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 approval by the governing bodies of the political subdivisions who will be parties to such contract, and provide for such charges as may be agreed upon to compensate the County, the PCSA, any town owning a POTW, and 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 County, the PCSA, and any town owning a POTW, and/or the City and the State Water Control Board of such waste. Such contracts shall not waive federal categorical pretreatment requirements.

SEC. 39-13. 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 to 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 identifies as significant 40 CFR 403.3 (t), this control shall be achieved through the 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 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 exceed 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 asses and assure compliance by Industrial Users with Pretreatment Standards and Requirements, including but not limited to the reports required in Section 34.50(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 Section 34.50(m) to assure compliance with Pretreatment Standards. The Administrator shall have the right to set up on the Industrial User's property, or require installation of, such devises 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 injunction relief for noncompliance by Industrial Users with Pretreatment Standards and Requirements. All POTW's 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 paragraph, 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 have 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 or DEQ upon request;
2. Identify the character and volume of pollutants contributed to the POTW by the Industrial Users identified under (b)(1) of this section. This information shall be made available to the Regional Administrator or DEQ upon request;
3. Notify Industrial Users identified under (b)(1) of this section, 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 30 days of approval of a list of significant industrial Users, notify each significant industrial user 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 users, occasional and continuing noncompliance with pretreatment standards. Inspect and sample the effluent from each Significant Industrial User at least once a year. Evaluate, at least once every two years, whether each such Significant Industrial User needs a plan to control slug discharge is any discharge of a non-routine, episode 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 slug discharges, including any discharge that would violate a prohibition listed in subsection 34-11(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 (1995) in the enforcement of national pretreatment standards. Section 34-53 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 data shall be used to develop the local limits if they should be necessary.

- 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.

SEC. 39-14. RIGHT OF REVERSION.

The County reserves the right to establish by amendment for this ordinance more stringent limitations or requirements on discharge to public sewer facilities in the County and/or the City's POTW if deemed necessary to comply with the objectives set forth in Article I, Division 1, Section 1.

SEC. 39-15. NOTIFICATION.

All users of the public sewer facilities in the County shall notify the owner of such facilities and the City's POTW treatment plant, if it ultimately receives the wastewater, immediately, by telephone or in person, of any wastewater discharges into such public sewer facilities that are in violation of this ordinance, whether accidentally or otherwise. Such notification shall include the location of discharge, type of waste, concentrations of pollutants, volume, and corrective actions taken or proposed to stop violation.

SEC. 39-16. ACCIDENTAL DISCHARGES.

- A. All users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge of prohibited substances or other materials regulated by this ordinance. This includes accidental discharges from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from implant transfer or processing and materials handling areas, and from diked areas or holding ponds of any waste regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. As to those users who discharge into sewer facilities maintained and operated by the PCSA, detailed plans showing facilities and operating procedures to provide this protection shall be submitted to both the PCSA and the City for review, and shall be approved by both the PCSA and the City before construction of the facility. Users who discharge into any other public sewer facilities in the County will submit such plans to the political subdivision which owns such facilities.
- B. No user who commences wastewater contribution to public sewer facilities in the County and/or the City's POTW after the effective date of this section shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City, if its POTW ultimately receives the discharge, and the political subdivision which owns the sanitary sewer facilities. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this ordinance. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the City's POTW if it ultimately receives the discharge, and the political subdivision which owns the public sewer facilities in the County into which the discharge is made of the incident. The notification shall

include location of discharge, type of waste, concentration and volume, and corrective action.

1. Written Notice: Within five (5) days following an accidental discharge; the user shall submit to the City, if its POTW ultimately received the discharge, and the political subdivision which owned the public sewer facilities in the County into which the discharge was made, a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the public sewer facilities or the City's POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this ordinance or other applicable law. The report shall include the location of the discharge, type of waste, concentration of pollutants, and volume of waste.
2. Notice to Employees A notice or other notification plan 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 that potentially may impair worker health or safety. Employers shall insure that all employees who may cause or suffer such dangerous discharge to occur are informed of the required notification procedure.

SEC. 39-17. CONTRACT HAULERS.

- A. It shall be unlawful for contract haulers to empty septic tank sludge, wastes from chemical toilets, industrial wastes, industrial wastewater, wastewater, or any other liquid or matter of any kind into the public sewer facility in the County which is owned, operated, and maintained by the PCSA and ultimately discharges into the water pollution control facilities owned by the City. A contract hauler may empty such substances into other public sewer facilities in the County only in accordance with the policy and procedures established by the political subdivision owning such facilities.
- B. Any person who violates the provisions of subsection (a) of this section shall be guilty of a Class 1 misdemeanor.

SEC. 39-18. RESOURCE CONSERVATION AND RECOVERY ACT NOTICES.

The political subdivision owning, operating, and maintaining public sewer facilities in the County shall give notice to all "significant industrial users" of its POTW that they possibly have special reporting and compliance requirements under the Resource Conservation and Recovery Act.

SEC. 39-19. ENFORCEMENT OF THIS ORDINANCE BY THE CITY.

In addition to any remedies available to the City under the terms of its Water Sewer Agreement of October 11, 1972, with the County and the PCSA, as amended subsequent to that date, the City, with respect to any wastewater discharges into public sewer facilities in the County which will ultimately be received and treated in the City's water pollution control facilities, may, if the appropriate

administrator fails to do so within a reasonable time and in a reasonable manner, may obtain an injunction against the user and/or the PCSA to enjoin violations of the provisions of this ordinance and/or may also request the County Attorney to prosecute any person violating the provisions of this ordinance.

SEC. 39-20. SEVERABILITY.

It is hereby declared to be in the intention of the Board that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance.

DIVISION 2. ENFORCEMENT

SEC. 39-21. ADMINISTRATIVE ENFORCEMENT PENALTIES.

- A. Whenever any Administrator finds that any significant industrial user has violated or is violating this ordinance, or a user permit or order issued hereunder, such Administrator 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 Administrator. 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. Any Administrator is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the significant industrial user responsible for the non-compliance. Such orders will include specific action to be taken by the significant industrial user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as administrative orders. However, if the discharges from the significant industrial user are ultimately received into the City's water pollution control facilities, the City must also approve any such consent orders, agreements, or understandings of any kind.
 - 1. Any Administrator may require any significant industrial user which causes or contributes to violation of this ordinance 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 place 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. In the event a duly notified significant industrial user does not appear as noticed, immediate enforcement action may be pursued.

2. At any hearing held pursuant to this ordinance, testimony taken must be under oath and either audio or steno graphically recorded. The transcript, so recorded, will be available to any party of the hearing, and any member of the public upon payment of the usual charges thereof.
- C. When an Administrator finds that a significant industrial user has violated or continues to violate this ordinance or a user permit or order issued thereunder, he may issue an order to the significant industrial user 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 an Administrator finds that a significant industrial user has violated or continues to violate this ordinance or those contained in any user permit issued hereunder, the Administrator may issue an order to cease and desist, all such violations, and direct those persons in noncompliance to:
1. Comply forthwith with this order and all other regulations.
 2. Comply in accordance with a compliance time 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 who is found to have violated any provision of this ordinance, or the orders and permits issued hereunder, may be fined up to one thousand (\$1,000.00) dollars 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 Administrator shall have such other collection remedies as he has to collect other service charges.
1. The Administrator 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 notified of a suspension of the wastewater treatment service and/or the user permit shall 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 permit terminated. In the event of a failure of the significant industrial user to comply voluntarily with the suspension order, the Administrator shall take such steps as deemed necessary, including immediate severance of the sewer connection to prevent or minimize damage to the public sewer facilities in the County or the City's POTW or endangerment to any individuals. The Administrator shall reinstate the user permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge.

3. A significant industrial user 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 Administrator prior to the date of the hearing described in paragraph (e) (2) above.
- F. Any user who violates the following conditions of this ordinance or a user permit or 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 by representatives of the political subdivision owning, operating, and maintaining the public sewer facilities in the County into which such user discharges wastewater, and by representatives of the City, if the City's POTW ultimately receives the user's wastewater; 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 ordinance.
- G. When the City's POTW ultimately receives the discharges made by the significant industrial user involved, the City shall be an interested party in any proceeding or at any hearing held under this section and shall receive a copy of all notices given hereunder and shall be permitted to offer evidence and be heard on any issue under consideration.

SEC. 39-22. REMEDIES.

- A. If any person discharges sewage, industrial wastes, or other wastes into the public sewer facilities in the County or the City's POTW contrary to the provisions of this ordinance or any order or user permit issued hereunder, an Administrator, may on behalf of the County through the political subdivision's attorney may commence an action for appropriate legal and/or equitable relief in the court having jurisdiction.
- B. Whenever a significant industrial user has violated or continues to violate the provisions of this ordinance or an order or user permit issued hereunder, an Administrator, through the political subdivision's attorney, may request the appropriate court to issue a preliminary or

permanent injunction, or both (as may be appropriate) which restrains or compels the offending activities on the part of the significant industrial user. In the event an Administrator 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. An Administrator shall have such remedies to collect these fees as it has to collect other sewer service charges.

SEC. 39-23. CIVIL PENALTIES.

- A. Any significant industrial user who has violated or continues to violate this ordinance or any order or user permit issued hereunder, shall be liable for a civil penalty of not more than ten thousand (\$10,000) dollars, plus actual damages incurred by the public sewer facilities in the County or the City's POTW, per violation per day for as long as the violation(s) continues. In addition to the above-described penalty and damages, an Administrator or the City may recover reasonable attorney's fees, court costs, and other expenses of his or its enforcement activities, including special sampling and monitoring expenses.
- B. An Administrator shall petition the Circuit Court of Pittsylvania County to impose, assess, and recover such sums. In determining amount of liability, such 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 significant industrial user's violation, corrective actions by the significant industrial user, the compliance history of the user, and any other factors as justice requires.

SEC. 39-24. CRIMINAL VIOLATIONS.

- A. Violations — Generally.
 - 1. Any significant industrial user who willfully or negligently violates any provision of this ordinance, or any order or user permit issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed twenty-five hundred (\$2,500) dollars per violation, per day, or imprisonment for not more than one (1) year, or both.
- B. Each day any violation described in subsection (a) shall continue shall constitute a separate offense.
- C. Falsifying information.
 - 1. Any significant industrial user 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 ordinance, or user permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine not to exceed twenty-five hundred (\$2,500) dollars per violation, per day, or imprisonment for not more than one (1) year or both.

2. In the event of a second conviction, the significant industrial user shall be punishable by a fine not to exceed three thousand (\$3,000) dollars per violation, per day, or imprisonment for not more than three (3) years, or both.

SEC. 39-25. ANNUAL PUBLICATION OF SIGNIFICANT VIOLATIONS AND SIGNIFICANT NON-COMPLIANCE.

An Administrator shall publish, at least annually in the largest daily newspaper circulated in the service area, the names of those significant industrial users which are found to be in significant noncompliance, as defined in Article I, Division I, Section 3, of this ordinance, with any provisions of this ordinance or any order or permit issued hereunder during the period since the previous publication.

SEC. 39-26. WATER SUPPLY SEVERANCE.

Whenever a significant industrial user has violated or continues to violate the provisions of this ordinance or an order or user permit issued hereunder, water service to the significant industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated consistent compliance.

SEC. 39-27. OPERATING UPSETS.

- A. Any significant industrial user 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 appropriate administrator and the City's POTW, if that POTW will ultimately receive the discharge, thereof immediately upon first awareness of the upset. Where such information is given orally, a written report thereof shall be filed by the user 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.
- C. A significant industrial user which timely complies with the notification provisions of this section shall have an affirmative defense to any enforcement action brought by an administrator or the City for noncompliance with categorical standards only, which arises out of violations alleged to have occurred during the period of the documented and verified upset.

SEC. 39-28. TREATMENT BYPASSES.

- A. A bypass of the significant industrial user'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 by an Administrator and the City, if its POTW is involved, as described in subsection (b) below.

- B. Significant industrial users must provide immediate notice to the appropriate Administrator and the City's POTW, if it's POTW ultimately receives the user's discharges, upon the discovery of an unanticipated bypass. If necessary, the Administrator or the City may require the significant industrial user 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 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 anticipating a bypass must submit notice to the appropriate administrator and to the City, if its POTW ultimately receives the user's discharges, at least ten (10) days in advance. The administrator or the City may only approve the anticipated bypass if the circumstances satisfy those set forth in subsection (a) above.

SEC. 39-29. REVIEW AND APPEAL PROCEDURES UNDER THIS ORDINANCE.

- A. The following procedures control the course of reconsideration, rehearing, and appeal to an Administrator with respect to the construction, application, or enforcement of this ordinance and may be used if informal methods do not achieve satisfaction:
 - 1. 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 an Administrator, or his authorized representative, in interpreting or implementing the provisions of this ordinance or any user permit issued hereunder may file with the County Administrator a written request for reconsideration. Such request shall be received within thirty (30) days of the date of the occurrence of the Administrator'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 County Administrator.

 - 2. The County Administrator 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 County Administrator not less than

ten (10) days nor 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 County Administrator. 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 County Administrator 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 County Administrator shall be made known to the requestor by certified mail within thirty (30) days after the hearing.

3. The requestor may file a request for rehearing which shall be filed by certified mail within ten (10) days of the rendition of the County Administrator'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.
4. When the City's POTW ultimately receives the discharges made by the significant industrial user involved, the City shall be an interested party in any proceeding or at any hearing held under this section and shall receive a copy of all notices given hereunder and shall be permitted to offer evidence and be heard on any issue under consideration.

Article II.

Standards for Industrial Waste Discharges

DIVISION I. REQUIREMENTS FOR DISCHARGE OF INDUSTRIAL WASTE

SEC. 39-30. APPLICATIONS, REPORTS, OR OTHER DOCUMENTS; CERTIFICATION.

- A. Each application, report, or other document submitted pursuant to this article shall contain the following certification and shall be signed by a person who is authorized to make and can make the following certification:
- B. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

SEC. 31. INDUSTRIAL WASTE SURVEY REQUIREMENTS.

- A. All industrial discharges shall file with the appropriate administrator, and the City, if its POTW will ultimately receive the user's discharges, wastewater information required for

determination of compliance with this ordinance, a VPDES permit conditions and state and federal law. Such information shall be provided by completion of a questionnaire designed and supplied by the administrator or by the City and by supplements thereto as may be necessary.

- B. Where as 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 an Administrator, or the City, if its POTW will ultimately receive the user's discharges.
- C. The administrator, and the City, if it is involved, shall implement measures to ensure the confidentiality of information provided by an industrial discharger pursuant to this ordinance. Upon the written request of the person furnishing a report, permit application, or questionnaire under the provisions of this ordinance 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 and federal law. The physical and chemical characteristics of a discharger's wastewater effluent discharged into public sewer facilities in the County and/or into the City's water pollution control facilities 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.

SEC. 39-32. REPORTING REQUIREMENTS FOR SIGNIFICANT INDUSTRIAL USERS.

- A. Within ninety (90) days following the date on which compliance with applicable categorical pretreatment standards is required or, in the case of new source, following commencement of the introduction of wastewater into public sewer facilities in the County and/or the City's water pollution control facilities, any industrial user subject to categorical pretreatment standards shall submit to the appropriate administrator and the City, if its POTW will ultimately receive the discharge, a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by categorical pretreatment standards and the average and maximum daily flow for these process units in the user facility which are limited by such categorical pretreatment standards. The report shall state whether the applicable standards are being met on a consistent basis, and, if not, what additional operations and maintenance or pretreatment is necessary to bring the user into compliance with them. In addition, the report shall contain the results of any sampling and analysis of the discharge as specified in this ordinance. The report shall be signed and certified by an authorized representative of the user.
- B. Follow-up compliance reports shall be submitted to the appropriate administrator and the City, if it's POTW will ultimately receive the user's discharges during the months of June and December, unless required more frequently in the categorical pretreatment standards or by the County. At the discretion of the appropriate administrator and/or the City, if it is involved, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, and the like, the administrator, and the City, if it is involved, may agree to alter the months during which these reports are to be submitted.

- C. The initial and follow-up compliance reports shall contain the results of sampling and analysis of the industrial user's discharge, including the flow and the nature and concentration, or production and mass, where requested by the appropriate administrator and/or the City, if its POTW will ultimately receive the user's discharges, of pollutants contained therein which are limited by the applicable categorical pretreatment standards.
- D. Should the measurements or other investigations made by an administrator, or the City, if it is involved, indicate that the industrial user's wastewater discharges have constituents significantly different in quantity and quality from those stated by the user in his reports, the administrator and/or the City, if it is involved, shall notify the discharger and require that he furnish all information in his possession relevant for the apparent discrepancies.
- E. It shall be the responsibility of a significant industrial user to contact the appropriate administrator, and the City, if its POTW will ultimately receive the user's discharges, and inform the administrator or the City prior to changing its operations to the extent that the waste will be materially changed from that which was found at the last prior sampling and reporting. Changes in or termination of manufacturing operations or processes by any significant industrial user shall also be reported to the appropriate administrator or the City, if it's POTW will ultimately receive the user's discharges, for approval. The City may deny or condition any new or increased discharge.
- F. If any significant industrial user is found to be in violation of any provision of this ordinance or of any State or Federal law or regulation constituting a sampling parameter, such user shall test its discharge in accordance with the test procedures in Article II, Division 2, Section 3, and submit to the administrator or the City's POTW the results of such test within thirty (30) days.

SEC. 39-33. SAME – NOTICE.

The administrator shall not terminate service to a significant industrial discharger without first delivering to such discharger written notice of the proposed action. The notice shall state the reason for the termination and shall allow a reasonable time, as determined by the administrator and the City, if its POTW will ultimately receive the user's discharges, for the discharger to take such action as is necessary for compliance with this ordinance and the discharger's user permit. Lacking such compliance, the administrator may terminate service to such discharger shall properly notify the discharger of such action. Dischargers so notified may petition for reconsideration in accordance with the provisions of Article I, Division 2, Section 26, of this ordinance.

SEC. 39-34. USER PERMITS REQUIRED.

All significant industrial users proposing to connect to and discharge wastewater into the public sewer facilities in the County shall obtain a user permit before connecting to and discharging wastewater into such facilities.

SEC. 39-35. APPLICATION; PAYMENT OF FEE.

- A. *Wastewater analysis.* When requested by the Administrator, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Administrator 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 shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Administrator, except that a significant industrial user that has filed a timely application pursuant to subsection (c) below may continue to discharge for the time period specified therein.
 2. The Administrator 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 34-53 and 34-54. 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.
 - A. Significant industrial users required to obtain a user permit under the provisions of this ordinance shall complete and file with the appropriate administrator an application in the form prescribed by such administrator, and pay the specified fee. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
 1. Name, address, and telephone number of the applicant and the owner of the premises where the discharge will occur.
 2. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987, as amended, for the industry.
 3. Wastewater constituents and characteristics including, but not limited to, those mentioned in Article 1, Division 1, Sections 11 and 12 of this ordinance, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by this ordinance and the EPA pursuant to Section 304(g) of the Act and other applicable state and federal law.
 4. Time and duration of waste discharge.

5. Average daily and peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
6. Site plans, floor plans, and mechanical and plumbing plans of adequate detail to show all connections to public sewer facilities in the County by size, location, and elevation.
7. Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged.
8. Where known, the nature and concentration of any pollutants in the discharge which are limited by any local, state, or federal categorical pretreatment standards, a statement identifying the applicable categorical pretreatment standards and requirements, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis for existing discharges, and if not, whether additional operations and maintenance or additional pretreatment is required for the user to meet applicable categorical pretreatment standards.
9. If additional pretreatment or operations and maintenance will be required to meet the categorical pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in such schedule shall not be later than the compliance date established for the applicable categorical pretreatment standard, and such schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.); and no increment referred to in the schedule shall exceed nine (9) months. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the administrator including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, in if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall a significant industrial user be permitted to discharge wastewater into public sewer facilities in the County in noncompliance with user permit requirement more than fifteen (15) months after the date on which the user first becomes subject to the user permit requirement.
10. Each product produced by type, amount, process or processes, and rate of production.
11. Type and amount of raw materials processed (average and maximum per day).

12. Number and type of employees and hours of operation of the plant and proposed or actual hours of operation of the pretreatment system.

13. Any other information needed by the administrator or the City, if its POTW will ultimately receive the user's discharge to evaluate the user permit application.

B. Where a user subject to a categorical pretreatment standard has not previously submitted an application for a user permit as required by this section, the user shall apply for a user permit within ninety (90) days after the promulgation of the applicable categorical pretreatment standard.

C. If the City's water pollution control facilities will ultimately receive the user's discharges, the City will also have the right to approve the form and the issuance of the user permit.

SEC. 39-36. PERMIT ISSUANCE.

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 Administrator. 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 Administrator 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 County 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 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.
 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 Administrator to ensure compliance with this ordinance, and State and Federal laws, rules and regulations.
- C. *Appeals.* The Administrator shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Administrator 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. 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.

2. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
 3. If the Administrator 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.
 4. 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 Administrator 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 or County 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;
 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 Administrator and the Administrator approves the wastewater discharge permit transfer. The notice to the Administrator 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 Administrator may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons.

1. Failure to notify the Administrator of significant changes to the wastewater prior to the changed discharge;
2. Failure to provide prior notification to the Administrator of changed conditions pursuant to subsection 34-50(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 Administrator 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 re-issuance by submitting a complete permit application, in accordance with subsection 34-47(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 Administrator shall enter into an intergovernmental agreement with the contributing municipality, county or town.
2. Prior to entering into an agreement required by subsection (1) above, the Administrator 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 Administrator 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 County and the City. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the County's or 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 Administrator and which of these activities will be conducted jointly by the contributing government and the Administrator.
- d. A requirement for the contributing government to provide the Administrator 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 Administrator 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 Administrator; and
- h. A provision specifying remedies available for breach of the items of the intergovernmental agreement.

SEC. 39-37. 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), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Administrator 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 Administrator 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 waste stream formula set out in 40 CFR 403.6(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 Administrator, 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 34-47(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 Administrator 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 Administrator.

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 Administrator 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), 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 34-47(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 Administrator, 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 34-50(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. All periodic compliance reports must be signed and certified in accordance with subsection 34-47(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 (1995) and amendments thereto. Where 40 CFR Part 136 (1995) 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 Administrator, using the procedures prescribed in paragraph k below of this section, the results of this monitoring shall be included in the report.

E. *Notification of changed conditions.* Each user must notify the Administrator 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 Administrator 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 34-47(e) herein.
2. The Administrator may issue a wastewater discharge permit under subsection 34-47(g) herein or modify an existing wastewater discharge permit under subsection 34-49(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.

F. *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 Administrator 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 Administrator, 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.

G. *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 34-50(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 34-50(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 Administrator, 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.

- H. *Reports from un-permitted users.* All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Administrator as he may require.
- I. *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the Administrator 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 Administrator within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Administrator monitors at the user's facility at least once a month, or if the Administrator samples between the user's initial sampling and when the user receives the results of this sampling.
- J. *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 County and 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.*
- K. *Sample collection.*
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 Administrator 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.
 2. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- L. *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.
- M. *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. 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 County or where the user has been specifically notified of a longer retention period by the Administrator.

SEC. 39-38. COMPLIANCE MONITORING.

- A. *Right of entry; inspection and sampling.* The Administrator 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 Administrator 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 Administrator will be permitted to enter without delay for the purposes of performing specific responsibilities.
 2. The Administrator 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 Administrator 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 Administrator and shall not be replaced. The costs of clearing such access shall be born by the user.
 5. Unreasonable delays in allowing the Administrator access to the user's premises shall be a violation of this ordinance.
- B. *Search warrants.* If the Administrator 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 County or 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 Administrator 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 Administrator 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 Administrator 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.

SEC. 39-39. PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.

The Administrator shall publish annually, in the largest daily newspaper published in the municipality where 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 Administrator 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) 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) that the Administrator determines will adversely affect the operation or implementation of the local pretreatment program.

SEC. 39-40. ADMINISTRATIVE ENFORCEMENT REMEDIES.

- A. *Notification of violation.* When the Administrator 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 Administrator may serve upon that user a written Notice of Violation. 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 Administrator. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Administrator to take any action, including emergency actions or any other enforcement action without first issuing a Notice of Violation.
- B. *Consent orders.* The Administrator 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 Administrator 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 Administrator 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 Administrator 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 Administrator 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 Administrator 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 Administrator 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 Administrator 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 Administrator may fine such user in an amount of at least one thousand (\$1,000.00) dollars 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 percent (2%) of the unpaid balance, and interest shall accrue thereafter at a rate of two percent (2%) 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 Administrator 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 Administrator 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 Administrator 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 Administrator 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 Administrator 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 Administrator 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 Administrator may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Administrator 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 Administrator 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 34-49(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 Administrator shall not be a bar to, or a prerequisite for, taking any other action against the user.

SEC. 39-41. JUDICIAL ENFORCEMENT REMEDIES.

A. *Injunctive relief.* When the Administrator 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 Administrator may petition the Court through the County'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 Administrator 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 County for at least one thousand (\$1,000.00) dollars 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 Administrator 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 1-11 of this Code.
5. *Remedies nonexclusive.* The remedies provided for in this ordinance are not exclusive. The Administrator 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 County's enforcement response plan. However, the Administrator may take other action against any user when the circumstances warrant. Further, the Administrator is empowered to take more than one enforcement action against any noncompliant user.

SEC. 39-42. 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 Administrator 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 34-11(a) or the specific prohibitions in subsection 34-11(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 County 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 Administrator at least ten (10) days before the date of the bypass, if possible.
 - b. A user shall submit oral notice to the Administrator 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 Administrator 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 Administrator may approve an anticipated bypass, after considering its adverse effects, if the Administrator determines that it will meet the three (3) conditions listed in subsection (4) a. of this section.

SEC. 39-43. MISCELLANEOUS PROVISIONS.

- A. *Pretreatment charges and fees.* The County may adopt reasonable fees for reimbursement of costs of setting up and operating the County'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 County 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 County.
- 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.

The Administrator and the city if its water pollution control facilities will ultimately receive the discharge, will evaluate the data furnished by the user and may require additional information. A draft permit may be issued within sixty (60) days after all data required by this ordinance has been furnished to and accepted by the administrator and the City, if it is involved. The applicant shall then have thirty (30) days to comment. After evaluation and acceptance of the data provided and review of the draft submitted by applicant, the administrator will grant or deny permission to discharge subject to the terms and conditions provided herein.

SEC. 39-44. EFFECT OF ISSUANCE.

Issuance of a discharge permit under this ordinance shall not relieve the discharger from complying

with all applicable laws, regulations, and ordinances promulgated by the County or other government authority, nor shall the issuance of a discharge permit be construed as a representation by the Administrator or the City, if it is involved, that the discharge permitted therein complies with such laws, regulations, and ordinances. Such permits are issued solely to govern the discharges of wastewater into the public sewer facilities in the County and 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.

SEC. 39-45. RESTRICTIONS, CONDITIONS, ETC.

Significant industrial user permits issued under this ordinance may contain appropriate restrictions, and shall be expressly subject to all provisions of this ordinance and applicable local, state and federal law, user charges, and fees established by the appropriate administrator. They may contain the following:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to public sewer facilities in the County.
2. Limits on the average and maximum wastewater constituents and characteristics.
3. Limits on average and maximum rate and time of discharge and requirements for flow regulations and equalization.
4. Requirements for installation and maintenance of inspection and sampling facilities.
5. Specification for monitoring programs which shall include sampling location or station, frequency of sampling, number, types, and standards for tests and reporting schedule.
6. Requirements for installing facilities for the pretreatment of waste before discharge and compliance schedules for same.
7. Requirements for submission of technical reports or discharge reports.
8. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the appropriate Administrator and/or the City, and affording the said Administrator, or his authorized representative and/or the City, if its POTW will ultimately receive the user's discharges, access thereto.
9. Requirements for notice to the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system. The City may deny or condition discharge changes to prevent violations of pretreatment standards or the terms and conditions of the POTW discharge permit.
10. Prohibition of discharge of certain wastewater constituents.
11. Requirements for immediate notification of slug or accidental discharges or spills.
12. Other conditions as deemed appropriate by the appropriate administrator and/or the City, if its POTW will ultimately receive the user's discharges, to ensure compliance with this ordinance and local, state and federal regulations.

SEC. 39-46. TERM.

Significant industrial user permits shall be issued under this ordinance for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for a permit re-issuance a minimum of one hundred eighty (180) days prior to the expiration of the existing permit.

SEC. 39-47. MODIFICATION GENERALLY.

The terms and conditions of the permit may be subject to modification by the appropriate administrator or during the term of the permit as limitations or requirements identified in this ordinance are modified or other circumstances require. The user shall be informed of any proposed changes in his permit at least 60 days prior to the effective date of the change. The user shall be allowed to comment on the proposed permit changes within the first thirty (30) days after issuance of the proposed changes by the administrator. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

SEC. 39-48. REVISION TO COMPLY WITH NEW PRETREATMENT STANDARD.

In accordance with the provisions of Article I, Division 1, Section 10(a) (7), upon promulgation of a categorical pretreatment standard, the user permit of significant industrial users subject to the standard shall be revised as soon as possible to incorporate the standard.

SEC. 39-49. HOLDER TO SUBMIT CERTAIN INFORMATION FOLLOWING PROMULGATION OF NEWPRETREATMENT STANDARD.

The holder of a significant industrial user permit shall submit to the appropriate administrator and the City, if its POTW will ultimately receive the user's discharges, within ninety (90) days after the promulgation of an applicable categorical pretreatment standard, the information required by subparagraphs 8 and 9 of Section 6 (aj of Article II, Division 1), of this ordinance.

SEC. 39-50. CONTROL STRUCTURE.

Significant industrial users shall build a control structure in the discharge line from his premises just prior to the entrance of the discharge line into the public sewer facilities in the County (or any other location acceptable to the appropriate administrator), suitable for sampling and measuring of his waste. Plans for this structure shall be approved by the administrator and the City, if it's POTW will ultimately receive the user's discharges, There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis, 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 to the appropriate administrator and the City, if its POTW will ultimately receive the user's discharges.

SEC. 39-51. AUTHORITY OF ADMINISTRATOR TO FURNISH TECHNICAL ADVICE.

The appropriate Administrator is authorized to consult with and furnish technical assistance and advice to industrial users of the public sewer facilities in the County, 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 ordinance.

SEC. 39-52. USER RECORDS.

Any user shall maintain and retain for three (3) years all plant records relating to wastewater discharges as specified by the appropriate administrator and the City, if its POTW will ultimately receive the user's discharges, and afford such administrator and the City, if it is involved, access thereto. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by the control authority or approval authority. These records include, but are not limited to, production records, wastewater self-monitoring records, and State and EPA required records, and/or other records required by this ordinance.

SEC. 39-53. TRANSFER OF DISCHARGE PERMIT.

Wastewater discharge permission is issued to a specific significant industrial user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation. Any succeeding owner or user shall also comply with the terms and conditions of this ordinance.

SEC. 39-54. PRETREATMENT.

Significant industrial users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the appropriate administrator and the City, if its POTW will ultimately receive the user's discharges, shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the appropriate administrator and the City, if its facilities are involved, for review, and shall be acceptable to the appropriate administrator and the City, if the POTW will ultimately receive the user's discharges, before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the appropriate administrator, and the City, if its POTW will ultimately receive the user's discharges, under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the appropriate administrator and the City, if its facilities are involved, prior to the user's initiation of the changes. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA, the Commonwealth of Virginia, approval authority, or the members of the public upon request for inspection and copying.

DIVISION 2. SAMPLING AND MONITORING

SEC. 39-55. RIGHT OF ENTRY.

Authorized representatives of the county, an appropriate administrator, or the City, if its POTW will ultimately receive the user's discharges, as well as the representatives of the State, and/or federal government, whose duty it may be to enter upon private premises to examine meters, pipes, or other fixtures used with regard to discharging wastewater into or connecting with public sewer facilities in the County or to inspect, observe, measure, sample, or test the water and/or wastewater characteristics, shall have free access at all reasonable hours to all parts of such premises for the purpose of inspection, meter reading, sampling, testing, monitoring, examination of fixtures, and observation of the manner in which water is used and/or discharged, and for the purpose of inspecting and copying user records. In case any authorized system such representative is refused admittance to any premises for any such purpose or is hindered or prevented from making such examination or monitoring, the water to such premises shall be turned off and shall not be turned on again until free access is given. Any person completing and filing an application to discharge wastewater under Article I, Division 1, or Article II, Division I, of this ordinance shall thereby grant the appropriate administrator or the City, if its POTW will ultimately receive the user's discharges, permission to enter his premises at a reasonable time for said purposes. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of identification, appropriate personnel representing an administrator and/or the City will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

SEC. 39-56. COMPLIANCE DETERMINATION.

Compliance determination with respect to the provisions of this ordinance may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a 24-hour period, or over a longer or shorter time span, as determined necessary by the appropriate administrator, and the City, if its POTW will ultimately receive the user's discharges, to meet the needs of specific circumstances.

SEC. 39-57. ANALYSIS OF INDUSTRIAL WASTEWATERS.

- A. All measurements, tests, and analyses of the characteristics or properties of wastewater to which reference is made in this ordinance shall be made in accordance with 40 C.F.R. Part 136, and shall be performed by a qualified laboratory.
- B. The appropriate administrator and all users of public sewer facilities in the County shall employ one or more of the following standard methods for the analysis of effluent where they coincide with 40 C.F.R. Part 136:
 1. Standard Methods for the Examination of Water and Wastewater. Current edition

available from the American Public Health Association;

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.

SEC. 39-58. SAMPLING FREQUENCY.

Sampling of the wastewater of significant industrial users for the purpose of compliance determination with respect to the provisions of this ordinance will be done at such intervals as the appropriate Administrator may designate. However, it is the intention of the County that the appropriate administrator will conduct compliance sampling or to cause such sampling to be conducted for all significant industrial users at least once in every one-year period.

Article III.

FEES

SEC. 39-59 SAMPLING FEES.

The appropriate Administrator 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.

Such Administrator 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 Administrator shall not perform for such user routine self-monitoring required under the provisions of an industrial discharge permit.

The City shall receive similar fees for any compliance sampling or monitoring which it is required to perform as the result of an Administrator's failure to perform appropriate compliance sampling and monitoring.

This ordinance shall be effective as of the date of its adoption.

This ordinance was presented and adopted at a regular meeting of the Pittsylvania County Board of Supervisors held on Monday, December 3, 1990 in the General District Court, Edwin R. Shields Courthouse Addition in Chatham, Virginia. The effective date of this ordinance is December 3, 1990.

This ordinance was amended at a regular meeting of the Pittsylvania County Board of Supervisors held on Monday, May 4, 1992 in the General District Court, Edwin R. Shields Courthouse Addition in Chatham, Virginia. The effective date of these amendments is May 4, 1992.