CITY OF MARTINSVILLE, VIRGINIA
WATER AND SEWER SERVICES
TERMS AND CONDITIONS

Approved by City Council
Effective upon Approval

Appendices Current
August 15, 2014

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CITY OF MARTINSVILLE, VIRGINIA

TERMS AND CONDITIONS
OF

WATER AND SEWER SERVICE

ARTICLE I

Rates, Types of Service and General

Sec. 1.1 Rates

Rates charged to customers shall be those established from time to time by the City Council through adoption of an appropriate ordinance.

The current rates are reflected in Appendix A for all types of service.

Sec. 1.2 Types of Service

All services to customers will be rendered by contract according to the rate schedule, as shown in Appendix A, and classification as to the type.

The types of service include the following:
a. Water (1) General (2) Fire Only
b. Sewer (1) General

Sec. 1.3 Mandatory Connection to Sewer Service

All buildings in the City in which persons live, stay or are employed will be required to be equipped with all necessary fixtures incident to the disposal of human wastes, connected so as to discharge into the sewer system through approved sewer pipe, properly trapped.

Sec. 1.4 Resale of Water and Connections to Private Supply

No customer shall be allowed to convey water to any other person not lawfully entitled to its use or to resell such water for any purpose.

Sec. 1.5 Avoiding the Waste of Water and Correction of Leaks

No customer shall allow a water service to flow in a careless or wasteful manner through a fixture on his premises.

All leaks occurring on the customer's side of the meter shall be the responsibility of the customer for repair, and payment in full for any such water lost shall be required of the customer. Failure of the customer to repair a leak in a timely way will result in disconnection of the service.

Sec. 1.6 Special Regulations on the Discharge of Other Than Normal Sewerage Wastes

Special permits will be required, special conditions may be ordered and surcharges will be levied on discharges of wastes considered other than normal. Wastes may be considered other than normal when they exceed certain concentrations of pollutants, when they are of certain flows or temperatures, or when they are excessively toxic. The regulations which prevail in such cases are to be found in Appendix B.

ARTICLE II

Inspections

Sec. 2.1 Compliance with Applicable Regulations

It is to the interest of the customer to properly install and maintain his water and sewage systems, the customer shall at all times be responsible for the character and conditions thereof.

The City will withhold furnishing service to new installations until it has received evidence of compliance with all City inspection laws or ordinances.

ARTICLE III

Determination of Rate and Contract

Sec. 3.1 Determination of Schedule

Upon request of a prospective customer, the Billing Division of the City Finance Department will provide a copy of these Terms and Conditions.

Sec. 3.2 Contract

Each service will be provided under the terms of a written contract, (Appendix C), signed by the customer in his capacity as the owner, the agent of the owner, or tenant of the property to be served. A copy of the contract will be furnished the customer.

Where a single customer desires service at more than one point of delivery, each such point of delivery will require a separate contract and separate billing.

ARTICLE IV

Deposits

Sec. 4.1 Required

As security for the payment of bills, a deposit will be required of a customer. Such deposit is set forth in Appendix F and is due at the time the contract is executed. At the request of a residential customer, a schedule will be arranged to allow payment of the required deposit in no more than three consecutive equal monthly installments. Failure to pay the deposit installments when due will result in discontinuance of service. In such cases, service will not be reconnected until the deposit is paid in full and all utility charges and reconnection fees have been paid.

In lieu of a deposit, a customer may present documentation demonstrating a satisfactory credit record.

Good residential credit cannot be used to waive a deposit on a professional/ commercial/industrial account. Deposits for a second or third business may be waived if good credit exists on a City located business and the owner agrees to allow recourse against an existing business in case of nonpayment. However, a security bond or an irrevocable letter of credit from a lending organization will be accepted in lieu of such deposit.

Sec. 4.2 Interest

Deposits held for a minimum of twelve (12) months will receive simple interest at the rate of 3.00 percent for the total period of time that the deposit is held. Deposits held less than twelve (12) months will receive no interest.

Sec. 4.3 Refunds

Deposits and earned interest will ordinarily be refunded after the customer has maintained satisfactory payment practices for twelve (12) consecutive months. A customer with more than two (2) late payments in the preceding twelve (12) months is deemed to have an UNSATISFACTORY payment record. Should the customer terminate service prior to refund of a deposit, the City will have a reasonable time to read the meter and determine that all obligations of the customer have been met before returning the deposit. Deposit refunds will normally be accomplished by crediting the customer's account with the amount of the deposit.

ARTICLE V

Water Service

Sec. 5.1 Separate Services Required

There shall be a separate service connection from the water main to each residence or commercial enterprise in the City. In no case shall water be served to two or more residences or commercial enterprises through a single meter except as permitted below.

Industrial buildings, under a single ownership and situated on an undivided parcel of land, may receive water service through a single service connection and a single meter, provided that the owner of the buildings pay all connection fees to secure an appropriately sized service connection.

Apartment buildings, mobile home courts and unified housing projects developed and operated in conformance with the City's Zoning Ordinance may receive water service through a single service connection and a single meter, and; shopping centers situated on an undivided parcel of land may receive water service through one or more service connections and one or more meters serving multiple commercial establishments, provided:

a. That the facility is under a single ownership;

b. That the owner of the facility pays all connection fees to provide an appropriately sized service connection;

c. That the owner pay a water rate for each apartment, living unit, or usable mobile home space, or commercial establishment as though each apartment, living unit mobile home space, or commercial establishment were separately metered and in accordance with the City's water rate schedule for 3/4-inch metering regardless of the master meter size.

Sec. 5.2 Existing Service

Where a water service connection has previously been made by the City and a meter is in place satisfactory in size to the needs of the customer, he can secure water service by completing a contract and placing a deposit as described above in the office of the City Treasurer.

No such contract shall be entered with any such customer who is in arrears to the City for water and/or sewer service under the terms of a prior contract.

Should a customer request a new service connection and meter of a larger size than the existing service, he shall pay the full charges thereof, as provided in Appendix E.

Sec. 5.3 New Service

Where no service connection exists, a customer must submit an application to the City to have such a connection made by the City and pay certain connection charges. (See Appendix E for application form and list of connection fees.)

All pipe, fittings, cut-offs, meters and meter boxes required to make a new service connection between the main and the curb line shall be furnished, set and maintained thereafter by the City.

The location of a new service and the meter shall be determined by the City.

Sec. 5.4 Customer Responsibility

Whether served by an existing service or a newly installed service connection, the customer is responsible for all piping and water on the private property side of the meter.

As part of this responsibility, the customer shall place a brass stop and waste cock in his private service line just inside or outside the wall of the premises being served. The stop and waste cock shall be equipped with a lever or handle, easily accessible to the occupants, so as to enable turning off the water in event of a leak or draining the pipes inside the premises to avoid freezing. A similar stop and waste cock shall be placed on each separate branch and at the base of each outside hydrant so that each branch or outside hydrant may be controlled separately. When any premises are vacated, it shall be the responsibility of the owner or any agent to see that all stop and waste cocks are closed.

No customer shall restrict access to any City meter in any manner. The customer shall maintain easy access to all City meters; free of weeds, shrubbery, fences, parked vehicles, screened porches, locked doors (unless a key is permanently provided), dangerous dogs (in the opinion of the meter reader) or any other obstruction. Failure to comply with this section will result in the monthly consumption being estimated followed by a written notice regarding the circumstances. The estimate will be the average of the previous 12 months bills of the specific customer affected. If the obstruction is not eliminated within 60 days of the written notice, the monthly estimate will be doubled. Prior billings will be adjusted when access is secured. If the service is new or less than a year old, the Utility Billing Division may establish an estimate based upon available data appropriate to the specific customer.

Sec. 5.5 Fire Service Connections

Special connections are required to buildings that are equipped with fire lines, sprinkler systems, booster pumps and water storage tanks, or whose interior water system may contain more than 1, 000 gallons of water and which can drain back into the water system of the City when pressure is decreased. (see Appendix E for details of such connections.)

Such connections may be tested by the City at any time; and, if found defective, the customer shall be required to remedy such defects immediately.

No water passing through such connections may be used for any purpose other than to operate the sprinkler system or to extinguish fires.

Sec. 5.6 Cross Connection and Backflow Prevention Control

No person shall install or maintain a water service connection to any premises where cross connection to the City's water system may exist unless such cross connection is approved by the City.

No person shall install or maintain any connection whereby water from an auxiliary system may enter the City's waterworks system, unless the auxiliary water system and method of connection and use of such system shall have been approved by the City.

Cross connection/backflow prevention controls shall be in accordance with an ordinance on this subject available from the Inspection Division of the Department of Community Development.

Sec. 5.7 Swimming Pools

Swimming pools may be filled from any approved general water service connection. The filling of pools from fire hydrants or non-metered connections will not be allowed.

ARTICLE VI

Water Service Metering

Sec. 6.1 All Services to be Metered

All water services shall be accurately metered to determine the quantity of water received by the customer, whether used, lost or wasted.

Any action to bypass the meter by a customer, without written permission of the City, shall be considered criminal and subject to prosecution.

Sec. 6.2 Standards of Accuracy

The performance of a water meter is considered to be acceptable when it does not register more than 5% fast or slow under a calibrated test. Meters will be replaced by the City only if found to be defective in accordance with this standard.

Sec. 6.3 Requests for Tests

The City will, without charge, test the accuracy of any meter upon request of the customer, provided the customer does not request such tests more frequently than once in a twelve-month period. If more frequent tests are requested, the customer will be charged $30.00 for each test, refundable only if the registration of the meter exceeds 105%.

Sec. 6.4 Adjustments to Billings

Whenever a meter is tested and found to have an error in registration of more than 5% fast, the City shall recalculate the monthly bills for a period of time equal to one-half the time lapsed since the last test, but in no case for longer than twelve months. A cash refund or a credit will then be given to the customer.

ARTICLE VII

Sewer Service

Sec.7.1 General

Sewer service is not ordinarily measured or metered separately, except as provided herein, and is directly related in many ways to water service. Sewer service charges are based on customer water consumption.

Sec. 7.2 Existing Service

Where a sewer service connection has previously been made by the City, a customer is entitled to such service when he completes a contract for water service and places a deposit (see Sec. 5.2 above) in the office of the City Treasurer.

Sec. 7.3 New Service

Where no sewer service connection exists, a customer must submit an application to the City to have such a connection made by the City and pay certain connection charges. (See Appendix E for application form and list of connection charges.)

The sewer service connection lateral between the sewer main and the applicant's property shall be furnished, set and maintained thereafter (if a proper cleanout is provided) by the City, except in cases where the applicant extends a lateral line through other private property to a point of connection with the City's system.

The location of a new service shall be determined by the City.

Sec. 7.4 Customer Responsibility

Whether served by an existing service or a newly constructed sewer service connection, the customer is responsible for providing a cleanout at the property line (or City sewer easement boundary) and is responsible for all maintenance and flow throughout all piping and cleanouts extending into private property, except for service connections situated on private property which were constructed by the City within easements granted to the City.

ARTICLE VIII
Payment of Service Charges

Sec. 8.1 Regular

Water meters will be read and service charges for both water and sewer computed from those readings on a monthly basis.

Readings may be estimated on occasion as necessary, but all initial and final bills will be based on actual meter readings. In the event of a bypass, the stoppage of or the failure of any meter to register the full amount of water consumed, the customer will be billed for such period on an estimated consumption based upon his use of water in a similar period of like use.

In the event of a water leak exterior to the structure being served and on the customer's side of the meter, a billing credit may be given on normal sewer charges, based upon prior records of water consumption.

A delayed payment service charge will be applied to all accounts if a bill is not paid within twenty-two (22) days of the billing date. The delayed payment charge shall be ten (10) percent of any balance in arrears. The delayed payment charge shall not apply to any amount of the bill which the City collects as a consumer utility tax.

The customer will be charged a service charge of $35.00 for any check received by the City and returned by a bank.

Postmarks are not acceptable as proof of payment. To avoid late charges, the payment must be in the Treasurer's office before 5:00 p.m. on the due date.

Sec. 8.2 Other Water Source

Where a customer secures all or any part of his water service from a source other than the City, all or part of which is discharged into the City's sewers, that customer shall install and maintain at his expense a water meter of a type approved by the City. Such meter shall be read regularly by the City to determine the volume of water secured from the other source and sewer service charges shall be computed from such readings.

Sec. 8.3 Place of Payment

All bills are payable at the City Treasurer's Office. Drive through and night depository facilities are available for customer convenience.

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Sec. 8.4 Direct Payment (Debit) by Bank Option

All customers with satisfactory records of payment shall have the option to have their bills paid directly by cooperating local banks. Such an arrangement shall require execution by a customer of a standard authorization form to be supplied by the City. Upon acceptance of the authorization form by the City and the customer's bank, the customer's bill will be forwarded to the customer's bank for direct debiting to the customer's checking account.

The customer will receive a duplicate of the bill, stamped "Advisory Notice" three to five days before the original of the bill is processed by the bank.

Upon receiving the bill, the bank will handle it as though the bill were a check, debiting the account and forwarding payment to the City Treasurer within three working days. The customer's portion of the bill will be forwarded by the bank to the customer in accordance with the bank's standard procedures.

In the event a bank returns a debit bill, the customer will be required to pay a $35.00 service charge. Should a second such incident occur, a second charge will be incurred and the customer's option for Direct Payment (Debit) by Bank will be terminated.

ARTICLE IX

Disconnection and Reconnection

Sec. 9.1 Disconnection for Non-Payment

A customer whose bill is unpaid after twenty-two (22) days will receive by mail a "final notice", including, as a minimum, the following information:

a. Name of customer.
b. Account number.
c. Billing address.
d. Date of notice.
e. Total amount due.
f. Reason for disconnection.
g. Date on which service will be disconnected in the absence of payment—no less than ten days after notice.
h. Place of payment.
i. Telephone number to call to dispute the disconnection notice.

A customer whose bill remains unpaid on the tenth (10th) day after the final notice will have his service disconnected, subject to the following conditions or exceptions:

a. Service shall not be disconnected earlier than 8:00 a.m. nor later than 4:00 p.m.

b. Service shall not be disconnected after 1:00 p.m. on a day preceding a day on which the City's offices are not open to accept payment and reconnect service.

c. Service shall not be disconnected when the outside temperature is below 35 degrees F.

d. Service shall not be disconnected at a residence without making personal contact with the customer when a customer is emotionally handicapped or provides documentation from a medical professional certifying a medical condition exists requiring the uninterrupted provision of utilities (water, sewer, electric). The documentation must state which specific utility or utilities are essential.

e. Service shall not be disconnected at a residence where there is known to have been a death in the household during the preceding three days.

f. Service shall not be disconnected when a written agreement concerning payment of amounts in arrears has been entered into between the customer and the City. The City's representative in all such cases will be the Director of Finance or his representative.

Accounts that have had service terminated and that are over ninety (90) days past due may be referred to a private agency for collection.

Sec. 9.2 Disconnection for Fraud or Violation of Rules

Upon 72 hours written notice to customer, the City may disconnect the service for any violation of these terms and conditions, other than non-payment and as follows.

Where fraudulent use of water is detected or where the City's meters and/or equipment is tampered with, service may be disconnected without notice and criminal prosecution may be instigated. In cases where water service is reconnected fraudulently to a residence, after the City has disconnected such service, the City will remove the water meter. The customer will be required to pay a $100 reconnect fee and a deposit if none is on file, prior to the reconnection of service.

Service may also be disconnected without notice when a dangerous condition involving the service is known to exist on or within the customer's premises.

Sec. 9.3 Reconnection

Where disconnection has occurred as a result of non-payment, service will be reconnected within eight (8) regular working hours after receipt of payment.

In cases of disconnection for non-payment, the City will levy a reconnection charge, as follows:

a. For residential and small general service customers - a $10.00 charge multiplied by the number of times the customer has been disconnected for non-payment over the last 12 months.
b. For all other customers - actual cost.
c. Customers will be required to pay the reconnection fee once personnel have left the Municipal Building to disconnect the service.

In cases of disconnection for fraud or violation of these terms and conditions, the City will charge the customer the actual cost in the event of reconnection. In all cases of disconnection, a deposit will be required (where none previously existed) prior to reconnection.

ARTICLE X

Respective Liability of City and Customer

Sec. 10.1 City

The City shall use reasonable diligence in furnishing a regular and uninterrupted supply of water but does not guarantee uninterrupted service. The City shall not be liable for damage resulting from the customer's use of his equipment or occasioned by water supplied by the City beyond the delivery point.

The City shall provide and maintain the necessary line of service connections, meters and other apparatus which may be required for the proper measurement of its service. All such apparatus shall be and remain the property of the City.

Sec. 10.2 Customer

The customer shall provide and maintain suitable protective devices on his equipment to prevent any loss, injury or damage that might result from any fluctuation or irregularity in the supply of water.

In the event of loss or injury to the property of the City through miss-use by or negligence of the customer, the cost of the necessary repairs or replacement thereof shall be paid to the City by the customer.

APPENDIX A

SCHEDULE OF WATER AND SEWER SERVICE RATE

CITY OF MARTINSVILLE SCHEDULE OF WATER AND SEWER RATES

Effective: July 1, 2012

Water Service Rates WITHIN City Limits (7/12)

	Meter Size									
	3/4"	1"	1 1/2"	2"	3"	4"	6"	8"	10"	12"
*First 4,000 gals/month	$22.31	$34.87	$70.35	$120.14	$262.48	$461.55	$1,030.58	$1,827.21	$2,851.45	$4,103.30

Next	2,000 gals/mo	$3.19	per 1000 gals
Next	100,000 gals/mo	$2.94	per 1000 gals
Next	100,000 gals/mo	$2.43	per 1000 gals
Over	206,000 gals/mo	$2.10	per 1000 gals

*Minimum charge for each customer per month depends upon meter size

Water Service Rates OUTSIDE City Limits(7/12)

	Meter Size									
	3/4"	1"	1 1/2"	2"	3"	4"	6"	8"	10"	12"
*First 4,000 gals/month	$28.50	$44.98	$91.52	$156.85	$343.60	$604.79	$1,351.36	$2,396.56	$3,740.38	$5,382.83

Next	2,000 gals/mo	$4.18	per 1000 gals
Next	100,000 gals/mo	$3.86	per 1000 gals
Next	100,000 gals/mo	$3.19	per 1000 gals
Over	206,000 gals/mo	$2.75	per 1000 gals

*Minimum charge for each customer per month depends upon meter size

Sewer Service Rates WITHIN and OUTSIDE City limits(7/12)

Minimum charge per month for first 4,000 gals of metered water usage	$20.64	
Next 2,996,000 gals/mo	$2.73	per 1000 gals
Next 7,000,000 gals/mo	$2.36	per 1000 gals
Over 10,000,000 gals/mo	$2.00	per 1000 gals

Water Rates for Specifically Approved Non-Metered or Hydrant Metered Usage

First 1,000 gals	$17.50
For each additional 1,000 gals	$5.40

APPENDIX B

REGULATIONS GOVERNING INSDUSTRIAL DISCHARGES TO THE SANITARY SEWER

CITY OF MARTINSVILLE, VIRGINIA/

Regulations Governing Industrial Discharges to the Sanitary Sewer System

ARTICLE I
Control of Admissible Wastes

Sec. 1.1 Wastewater Discharge Permits and Contracts

(a). Each person who discharges industrial, combined domestic and industrial waste or wastes not considered normal, and all Significant Industrial Users as herein defined, shall be required to secure a permit from the City for such discharge.

(b). This permit shall be based upon a report from the discharger about the exact nature of the discharge as to quantity and character and will contain other written assurances, as may be required, that the discharger is or will be in compliance with these regulations and all applicable Federal, State and Local Pretreatment Standards and Requirements. Compliance shall continue during the term of the permit.

(c). Wastewater Discharge Permits may be issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(d). Wastewater Discharge Permits shall be expressly subject to all provisions of the Regulations and all other applicable regulations, user charges and fees established by the City.

(e). The procedure and timetable for obtaining permits to discharge wastes as described above shall be as follows:

(1). The City shall notify all users subject to these regulations that new or renewed permits shall be required to discharge such wastes into the City's sewerage system; and, that modification of their wastewater discharge may be required to meet existing Federal Pretreatment Standards and any other such standards as may be promulgated in the future by EPA, and also to meet established local pretreatment standards.

(2).Applications for new permits shall be made at least ninety (90) days prior to the proposed date of connection to the sewerage system. The application shall comply with the provisions of these regulations including all applicable Federal, State and Local Pretreatment Standards and Regulations within the time frame as set forth in such Pretreatment Standards.

(3) Application for permit reissuance shall be made within sixty (60) days prior to the date of permit expiration. No wastes shall be discharged to the City's sewerage system without a valid permit. An expired permit shall continue to be in effect and enforceable until the permit is reissued if: (1) the permittee has submitted a compete permit application at least sixty (60) days prior to the expiration date of the existing permit; and (2) the failure to reissue the permit prior to expiration is not due to any act or failure on the part of the permittee.

(4) Permits shall be issued for a specified time period, not to exceed five (5) years.

(5) At permit issuance and at least at each permit renewal, the need for a slug control discharge plan shall be evaluated.

(6) Individual wastewater permits must contain:

(a). Permit issuance date, expiration date, and effective date

(b). Discharge permits are not transferable without prior approval of the City of Martinsville

(c). Effluent limits, both local and categorical

(d). Self-Monitoring, sampling, reporting, notification and record keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State and local law.

(e).Wastewater Discharge Permits shall contain the process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with Section 1.9.2(b)(2)

(7).The terms and conditions of the permit shall be subject to modification by the City during the term of the permit as limitations or requirements as identified in Article II are modified or for other just cause. The user shall be informed of any proposed changes in permit at least sixty (60) days prior to the effective date of such 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 City. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) Individual Contracts

Any person or company with a contract for Water and or Sewer service shall be subject to the discharge limitations and penalties set forth in this document.

(g).Severability

The provisions of the permit are severable, and if any provision of the permit, or the application of any provision of the permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected thereby.

(h). Property Rights

The issuance of the permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of federal, state or local laws or regulations.

Sec. 1.2 Pretreatment

Where required, in the opinion of the Administrative Authority, to modify or eliminate wastes that are harmful to the structures, processes, operation of the sewerage works or to meet Federal, State and Local Pretreatment Standards and requirements, a person shall provide at his expense such pretreatment or processing facilities as may be deemed necessary to render his wastes acceptable for admission to the public sewers.

Plans, specifications and any other pertinent information relating to proposed pretreatment or processing facilities shall be submitted for approval prior to the start of construction.

(a). Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in accordance with Section 405 of the Clean Water Act (CWA) and Subtitles C and D of the Resource Conservation and Recovery Act (RCRA).

(b). Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

(c). Duty to Halt or Reduce Activity

Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This treatment applies, for example, when the primary source of power of the treatment facility fails or is reduced. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

Sec. 1.2.1 Local Pretreatment Standards [40 CFR 403.5 (c)(d)]

The Administrative Authority shall establish and enforce local pretreatment standards or requirements, including slug discharge requirements, as necessary, to prevent interference or inhibition with any sewage treatment process and to prevent the pass through of any pollutants into the receiving waters or that otherwise are incompatible with the system. Local pretreatment standards may be set by industrial category, or by pollutant, and may be established by specifying specially derived limits (including Best Management Practices) in individual wastewater discharge permits.

(a).Compliance Requirements

The Industrial User shall be allowed a sufficient and reasonable period of time to comply with all local pretreatment standards.

(1). Existing Users

Any Significant Industrial User currently in compliance with the applicable pretreatment standards shall continue to maintain consistent compliance upon issuance of the amended wastewater discharge permit.

Any Significant Industrial User currently in significant noncompliance with one or more pollutant(s) as specified in the discharge permit shall be provided with an Administrative Order (AO) requiring a compliance schedule for achieving the established pretreatment standards. In no event shall the Significant Industrial User be permitted to discharge wastewater into the City's POTW in noncompliance with User permit requirement after the final compliance date specified in the schedule. The final compliance date shall be met in the shortest time frame possible but no longer than the time specified in the Administrative Order (AO).

(2). New Users

At least ninety (90) days prior to commencement of discharge, New Sources shall be required to submit to the City a report including information listed in 40 CFR 403.12 (b)(1)-(5) & 403.12 (g)(3) and information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New Sources shall give estimates of the discharge flow and the measurement of pollutants. A properly submitted and approved application for the proposed discharge along with a valid wastewater discharge permit must be in place.

Sec. 1.2.2 Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

Upon the future promulgation of Categorical Pretreatment Standards for a particular industrial subcategory, such standards, if more stringent than limitations imposed under these regulations for sources in that subcategory, shall immediately supersede the limitations imposed under these regulations and as amended.

Industrial Users subject to categorical pretreatment standards shall provide pretreatment as required for compliance with the standards within the time limitations specified in the Federal Pretreatment Regulations [40 CFR 403.6].

Where the City's wastewater treatment system achieves consistent removal of pollutants limited by Categorical Pretreatment Standards, the City may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards.

Sec. 1.2.3 Prohibition Against Dilution as Treatment [40 CFR 403.6 (d)]

No Industrial User shall ever increase the use of process water, or in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Categorical Pretreatment Standard or local pretreatment limits.

Sec. 1.2.4 Deny/Condition New or Increased Contributions [40 CFR 403.8 (f)(1)(i)]

The Administrative Authority shall have the legal authority to deny or condition, prior to the change occurring, new or increased contributions of pollutants, or changes in the nature of pollutants, to the City's POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the City's Plant to violate its VPDES permit.

Sec. 1.3 Control Manholes

Each person discharging industrial wastes shall construct and maintain one or more control manholes to facilitate observation, measurement, and sampling of his wastes.

Control manholes shall be located and built in a manner acceptable to and accessible to the Administrative Authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Administrative Authority.

Control manholes and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained by him so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for the installation of the control manholes and related equipment must have approval of the Administrative Authority prior to the beginning of construction.

Sec. 1.4 Measurement of Flow

The volume of flow used for computing user charges and surcharges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the City.

If the Person discharging industrial wastes procures any part, or all, of his water from sources other than from the City, all or a part of which is discharged into the public sewers, the person shall install and maintain at his expense meters of a type approved by the Administrative Authority for the purpose of

determining the volume of water obtained from these other sources.

Additional devices for measuring the volume of waste discharged may be required by the Administrative Authority if these volumes cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned and maintained by the discharger. Following approval and installation, such meters may not be removed without the consent of the Administrative Authority.

Sec. 1.5 Waste Sampling

Waste discharged into the public sewers shall be subject to periodic inspection and a determination of character and strength of concentration of said wastes. The determination shall be made as often as may be deemed necessary by the Administrative Authority.

Installation, operation and maintenance of the sampling facilities and equipment shall be the responsibility of the person discharging the waste and shall be routinely calibrated, inspected and maintained to ensure their accuracy and shall be subject to the approval of the Administrative Authority. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Administrative Authority. Failure of the user to keep the monitoring facility in good working order shall not be grounds for the User to claim the sample results are unrepresentative of the discharge.

The required sampling procedures shall comply with "40 CFR Part 136" and amendments thereto. Every care shall be exercised in the collection of samples to insure their preservation in a state comparable to that at the time the samples were taken. Samples shall be collected in such a manner as will be representative of the composition of the wastes for the entire reporting period. Flow proportional sampling is required unless time-proportional composite sampling is authorized by the City. For oil and grease, pH, total phenols, cyanide, sulfide, and volatile organics (VOCs) and other appropriate pollutants, representative grab sampling shall be performed. Samples collected for cyanide, total phenols and sulfides may be composited before analysis either in the field or the laboratory. Samples collected for VOCs and oil and grease may be composited before analysis in the laboratory. Grab samples may be required to show compliance with Instantaneous Limits.

For sampling required in support of baseline monitoring and 90-day compliance reports required in Sec.1.9.2, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and VOCs for which historical sampling data do not exist.

Sec. 1.6 Sample Analysis

The basic responsibility for analysis of industrial wastewater samples, as to the character and concentration of the wastewater, shall rest with the discharger as outlined in an "Industrial User Permit". All analysis shall be performed on behalf of the discharger by an independent laboratory, approved by the Administrative Authority, and utilizing appropriate laboratory procedures as set forth in "Standard Methods" or "40 CFR Part 136" and amendments thereto.

The City may make independent analysis of the wastewater samples, and its findings shall be compared with analysis of the discharger. Any significant variation between discharger's analyses and the Administrative Authority's analyses will require the discharger to reanalyze the wastewater or accept the Administrative Authority's results. Final analysis results will be determined by the Administrative Authority and will be the basis for any surcharges.

Sec. 1.7 Timing of Sampling and Analyses

All persons with discharges greater than 25,000 gallons per day, or having waste containing heavy metals and/or toxic materials, shall sample and analyze such wastes no less than once every three months, or as

directed by the Administrative Authority. All other dischargers shall sample and analyze their waste no less often than every six months.

Sec. 1.8 Right Of Entry / Inspections / Surveillance / Monitoring

The City shall have authority to make such lawful inspections during reasonable hours for the purpose of observing, measuring, sampling, testing or reviewing records of the wastewater collection system installed in any building or structure as may be necessary or appropriate, including inspections performed for the purpose of ensuring that discharge to the city's public sanitary sewer system from such building or structure is not in violation of these regulations. The owner or occupant of such building or structure, or his or her designee, shall be entitled to accompany the Industrial Coordinator during such inspections.

Sec. 1.9 Reporting Requirements and Records

The Administrative Authority shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

All holders of Wastewater Discharge Permits (categorical and Noncategorical) who are subject to a Pretreatment Standard, shall submit to the Administrative Authority on a schedule designated by the Administrative Authority or User Permit, a self-monitoring report (SMR) indicating the nature and concentration of pollutants in their effluent which are limited by said Pretreatment Standards.

Any Industrial User shall notify the City, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the City of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. [40 CFR 403.12 (p)(1)]

Sec. 1.9.1 Self-Monitoring Reports

All self-monitoring reports (SMR) including in-house monitoring activities which are conducted in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto shall be submitted to the City no later than the tenth of the month following the month of testing, but may be sent anytime after receipt of the laboratory analysis results. All samples taken and analyzed according to 40 CFR Part 136 must be submitted to the City.

Any User discharging in violation of said Pretreatment Standards, specified herein, shall notify the City within 24 hours of becoming aware of the violation, and within thirty (30) days of receipt of the original sampling results, shall resample, analyze and submit the data to the City unless the City elects to perform such sampling.

All Significant Noncategorical Industrial Users shall submit to the City at least once every six (6) months a description of the nature, concentration, and flow of the pollutants required to be reported by the City.

Sec. 1.9.2 Categorical User Reporting

Categorical Users shall submit the following documents properly signed and certified by a principal executive officer or his designee. The required certification statement shall comply with [40 CFR 403.6 (a)(2)(ii)].

(a) Baseline Monitoring Report (BMR)

Within 180 days after the effective date of a Categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under 403.6 (a)(4), whichever is later, existing Industrial Users subject to such Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to the City shall be required to submit to the Administrative Authority a report which contains the following items of information:

(1) Name and address of the facility and names of the operator and owners

(2) List of environmental control permits

(3) Description of operations, including the average rate of production and the Industrial Classification codes, SIC / NAICS

(4) Flow measurements including the measured average daily and maximum daily flow in gallons per day from regulated process streams and other streams as necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e)

(5) Pollutant measurements:

The User shall identify the Pretreatment Standards applicable to each regulated process and shall submit the results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard

(6) Certification:

A statement reviewed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether applicable 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 for the Industrial User to meet the Pretreatment Standards and Requirements.

(7) Compliance Schedule:

If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O&M.

Baseline Monitoring Reports for New Sources shall contain items (1) - (5) above and be submitted at least ninety (90) days prior to commencement of discharge to the City. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New Sources shall give estimates of the information requested in subdivisions (4) and (5) of the subsection.

(b). Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 1.9.2.a (7) of these regulations:

(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 City 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 City.

(c) Periodic Compliance Report

(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 Administrative Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Administrative Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In addition, this report shall include a measured or estimated average and maximum daily flows for the reporting period for the discharge. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Administrative Authority or the Pretreatment Standard necessary to determine the compliance status of the User.

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

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

(b) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.

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

(d) The request for a monitoring waiver must be signed in accordance with Section 1.9.6 or Section 6.1, and include the certification statement in Section 1.9.6.

(e) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(f) Any grant of the monitoring waiver by the Water Resources Superintendent or Industrial Coordinator must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Water Resources Superintendent or Industrial Coordinator for 3 years after expiration of the waiver.

(g) Upon approval of the monitoring waiver and revision of the User's permit by the Water Resources Superintendent or Industrial Coordinator, the Industrial User must certify on each report with the statement in Section 1.9.6 below, that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User.

(h) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 1.9.2.c (1) or other more frequent monitoring requirements imposed by the Water Resources Superintendent or Industrial Coordinator, and notify the Water Resources Superintendent or Industrial Coordinator.

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

(d) Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date of final compliance with applicable categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater to the City, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the City a report containing the information described in 40 CFR 403.12 (b) (4)-(6) & 403.12 (g)(3) and Section 1.9.2.a of these regulations.

Sec. 1.9.3 Compliance Schedules

The City shall 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; and (B) the submission of all notices and self-monitoring reports from Users as are necessary to assess and assure compliance by Users with Pretreatment Standards and Requirements, including but not limited to the reports required in 403.12. The compliance schedule shall include specific progress dates, interim effluent limits and a final compliance date. The compliance schedule shall be determined on a case-by-case basis and by the complexity and feasibility of the available and required pretreatment technology. The compliance schedule shall be submitted to the City within ninety (90) days from the date of issuance of the amended User permit. The City shall notify the User of its decision to approve/disapprove the terms and conditions of the proposed compliance schedule within thirty (30) days of receipt of same.

Sec. 1.9.4 Notice of Planned Changes to Discharge [40 CFR 403.12 (j)]

All Users shall promptly notify the Industrial Coordinator in advance and give written notice to the City ninety (90) days prior to any facility expansion, production increase, or process modifications which results in new or substantially increased discharges or a change in the nature of the discharge, including any potential for a Slug Discharge.

Sec. 1.9.5 Record Keeping Requirement [40 CFR 403.12 (o)(2)]

Any User subject to the reporting requirements established in this section shall be required to retain for a minimum of three (3) years (longer if any litigation is pending) any records of monitoring activities and results (whether or not such monitoring activities are required by this section), and documentation associated with Best Management Practices and shall make such records available for inspection and copying by the Approval Authority and the City. Sampling records shall contain the date, time, exact place, person(s) sampling, analyses date(s), person(s) performing analyses, sample preservation, analytical technique(s) used and results of analyses and a Chain of Custody showing continuous possession from sampling until receipt by the laboratory.

Sec. 1.9.6 Signature and Certification Requirements [40 CFR 403.12(l)]

All reports required by the City shall be signed and certified by a principal executive officer of the User, or his designee. Reports submitted to the City by the facility in accordance with Subsections b., d., and e. of 40 CFR 403.12 shall be signed by a principal executive officer, ranking elected official or other duly authorized employee if such employee is responsible for overall operation of the facility. An authorized representative may be: (1) a principal executive officer of at least the level of vice president, if the industrial user is a corporation; or (2) a general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively; or (3) a duly authorized representative of the individual

designated in 1. or 2. above where authorization is in accordance with regulatory criteria and submitted in writing. If the authorization is no longer accurate, a new authorization shall be submitted before reports are signed by the authorized representative. The required certification statement shall comply with 40 CFR 403.6 (a)(2)(ii) and is as follows.

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.

Users that have an approved monitoring waiver based on Section 1.9.2.c (2) must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the User.

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

Sec. 1.9.7 Public Participation Requirement

The City shall, in January of each year, publish in the MARTINSVILLE BULLETIN, or other newspaper of general circulation that provides meaningful public notice with the jurisdictions served by the POTW, a list of the users which were in significant noncompliance with any Pretreatment Standards and requirements during the previous twelve months. The notification shall also summarize any enforcement actions taken during the same twelve months.

All records relating to compliance with Federal, State and Local Pretreatment Standards and regulations shall be made available to officials of the EPA and State.

Specific local pretreatment standards shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond. [40 CFR 403.5(c)(3)]

Sec. 1.9.8 Reports of Potential Problems

(a). Accidental Discharges / Spills and Batch/Slug Discharges [40 CFR 403.8 (f)(2)(iii)(v)]

Each user shall provide protection from accidental discharge of prohibited materials or other regulated substances to the sanitary sewer system.

In the event of an accidental discharge, or should any unusual or extraordinary discharge of waste occur from the facilities, the User shall, as soon as the violation is discovered, notify the City by telephone as to type of discharge, location, quantity, and corrective action. The User shall submit to the City within five (5) working days following an accidental discharge, a detailed written statement describing the causes of the occurrences and the period of the discharge, the anticipated time when the discharge will return to compliance and measures to be taken by the user to prevent future occurrences.

(b). Bypass of Treatment Facilities [40 CFR 403.17]

(1). Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage or no feasible alternatives exist.

(2). The permittee may allow bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operation.

(3). Notification of bypass:

(a) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior written notice, at least ten (10) days before the date of the bypass, to the City.

(b) Unanticipated bypass. The permittee shall immediately notify the City and submit a written notice to the POTW within five (5) days. This report shall specify:

(1). A description of the bypass, and its cause, including its duration;

(2). Whether the bypass has been corrected; and

(3). The steps being taken or to be taken to reduce, eliminate and prevent a recurrence of the bypass

Sec. 1.9.9 Confidential Information

Information and data obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the wastewater discharger specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets.

Effluent information and data are not confidential. [40 CFR 403.14 (b)]

ARTICLE II
Prohibited Discharges [40 CFR 403.5 (a) (b)]

Sec. 2.1 Purposeful Discharges

No User shall introduce or cause to be introduced into the POTW any pollutant or pollutants which causes *Pass Through or Interference*. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local pretreatment requirements.

No User shall introduce or cause to be introduced any of the following into the City's Sanitary Sewerage System:

(a). Any storm water, surface drainage, subsurface drainage, ground-water, roof runoff, nonadditive cooling water, or unpolluted water into any sanitary sewer unless specifically authorized by the Administrative Authority/City.

(b). Slug Discharges of water or wastes.

(c). Any solids, liquids, or gases which, by themselves or by interaction with other substances, including but not limited to, gasoline, benzene, naphtha, fuel oil, or other pollutants which create a fire or

explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21 (2013);

(d). Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW.

(e). Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.

(f). Any noxious or malodorous solids, liquids, or gases which, either singly or by interaction with other substances, are capable of creating a public nuisance or a hazard to life, health or property, or of preventing entry into sewers for their maintenance and repair.

(g). Any greases, slurries, solid or viscous materials including, but not limited to, fats, wax, grease or oils, whether emulsified or not, in excess of 150 mg/l daily average, or of such character that, in the opinion of the Administrative Authority, may cause an obstruction to the flow in the sewer or otherwise interfere with the proper functioning of the sewerage works.

(h). Any toxic substance, chemical elements, or compounds in quantities sufficient to impair the operation or efficiency of the sewage treatment facilities, or that will pass through the plant and cause the effluent thereof to exceed government water quality requirements for the receiving system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307. (a). (1) of the Clean Water Act.

(i). Any waters or waste having a pH lower than 5.0 or higher than 9.5, or having any corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage disposal works. Variances in pH above 9.5 may be accepted at the discretion of the City, but in NO case shall the pH exceed 12.5 (corrosive hazardous waste per 40 CFR 261.22).

(j). Any radioactive isotopes without obtaining a special permit from the Administrative Authority.

(k). Any liquid having a temperature greater than 140 degrees Fahrenheit, or which would cause a rise in temperature of greater than 10 degrees Fahrenheit of the total flow in the sanitary sewer interceptor line; or which would have a temperature over 104 degrees Fahrenheit when the wastewater reaches the treatment facilities.

(l). Wastes having a five day, 20 degree centigrade BOD greater than 300 mg/l, except that variance of BOD may be accepted on a surcharge basis not to exceed a maximum concentration of 1,000 mg/l. Unless precluded by categorical pretreatment standards, the discharge of wastes with a BOD greater than 1,000 mg/l may be approved on a temporary basis at the discretion of the City. Approval for the discharge of such wastes shall be provided only after demonstrating to the satisfaction of the City that Pass Through, Interference and exceedance of the MAHL or other adverse effects to the City's Plant do not occur. The terms and conditions for such an agreement shall be contained in a discharge permit which will include a compliance schedule of the shortest possible duration. Surcharge provisions and all other provisions of this regulation shall apply.

(m). Wastes having a total suspended solids concentration greater than 300 mg/l, except that variance of TSS may be accepted on a surcharge basis not to exceed a maximum concentration of 1,000 mg/l. Discharge of wastes with TSS greater than 1,000 mg/l may be approved on a temporary basis at the discretion of the City. Approval for the discharge of such wastes shall be provided only after demonstrating to the satisfaction of the City that Pass Through, Interference and exceedance of the MAHL or other adverse effects to the City's Plant do not occur. The terms and conditions for such an agreement shall be contained in a discharge permit which will include a compliance schedule of the shortest possible duration. Surcharge provisions and all other provisions of this regulation shall

apply.

(n). Any garbage that has not been ground or shredded.

(o). Herbicides, Fungicides, or Pesticides unless specifically authorized by the Administrative Authority

(p). Trucked or hauled pollutants except at discharge points designated by the POTW. [40 CFR 403.5 (b) (8)]

(q). 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.

(r).Willfully causing damage to, obstruction of, or introduction of materials harmful to public sewer collection system

(s).Unauthorized connection to sanitary sewer allowing inflow and/or infiltration to enter the sanitary sewer system

(t).Any significant quantities of inorganic material.

ARTICLE III
Surcharges to Industrial Waste Dischargers

Sec. 3.1 Dischargers to Which Surcharges Apply

All persons discharging wastewater into the public sewers shall be subject to a surcharge, in addition to any other user charges, if their wastes have a concentration greater than the following normal concentrations:

(a). A five-day, 20 degree Centigrade Biochemical Oxygen Demand (BOD) of 300 mg/l; or
(b). A Total Suspended Solids content of 300 mg/l
(c). Discharge of FOG (fats oil and grease) above 150mg/l

Sec. 3.2 BOD and TSS Surcharges

Surcharges will be determined by the following procedures and timetables:

(a). Biochemical Oxygen Demand and Total Suspended Solids

Surcharges will be computed by determining excess pounds of Biochemical Oxygen Demand (BOD), and Total Suspended Solids (TSS). This excess will be computed by multiplying the dischargers' sewage-flow volume (million gallons) by the constant 8.345, and then multiplying this product by the difference between the person's concentrations of Biochemical Oxygen Demand (BOD), or Total Suspended Solids (TSS), and the normal concentration in milligrams per liter by weight. The surcharge for each will then be determined by multiplying the excess pounds of each component by an appropriate rate of surcharge. [See Sec. 4.2(b)].

(b). Rates of Surcharge

The rates of surcharge for each excessive component shall be determined as follows: cost of wages and salaries, maintenance, outlay and debt service (ascertained by the audited expenses at the plant for the previous year); average flow, BOD, FOG and TSS (which will be determined from the plant

records for the previous year). Utilizing this information and the operational history of the plant, the rate of surcharge for each component shall be determined.

(c). Revision of Surcharge Rates

The rates of surcharge shall be revised annually by the Administrative Authority in order to determine whether or not they are sufficient to defray the expenses at the Waste Water Treatment Plant.

(d). Billing of Surcharges

Surcharges to affected dischargers will be billed separate from all other user charges and on an annual basis. Prior to January 31 of each year, surcharge computations will be made by the City for the previous calendar year and appropriate billings rendered. Surcharges will then be payable by affected dischargers by the last day of February.

ARTICLE IV
Penalties and Violations

Section 4.1 Injunctive relief

When the Superintendent of Administrative Authority, finds that a User has violated, or continues to violate, any provision of these regulations, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Administrative Authority , may petition the Circuit Court of the City of Martinsville the for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by these regulations on activities of the User. The Administrative Authority, may also seek such other action as is appropriate for legal and/or equitable relief, including fines, penalties, administrative costs and attorneys' fees pursuant to Martinsville City Code §23.4 and Code of Virginia §15.2.1432, and a requirement that the User conduct environmental remediation or pay the City's remediation costs. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

Section 4.2 Violations

The following list defines violations and the terms for mitigating violations:

(a) Any intentional or willful act or omission to act in violation of any of the provisions of this article shall be punishable by fine in an amount not to exceed one thousand dollars ($1,000.00) per violation. Each day that a continuing violation exists shall constitute a separate offense. The court assessing such fines may, at its discretion, order such fines to be paid into the treasury of the city for the purpose of abating, preventing or mitigating environmental pollution.

(b) Any person who, intentionally or otherwise, commits any of the acts prohibited by this division or who fail to perform any of the acts required by this division shall be liable to the city in an action at law for all costs of containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the wastewater collection system, as well as the costs of any damages or regulatory fines imposed upon the city, that are proximately caused by such violations. Such costs shall be collectible by the city.

(c) The city may bring legal action to enjoin the continuing violation of this division, and the existence of any other remedy, at law or in equity, shall be no defense to any such action.

(d) Except as expressly provided in section 4.1, the remedies set forth in this section and in section 4.1 shall be cumulative, not exclusive; and, it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or grant

Section4.3 Civil Penalties

(a) Except for the violations specified in the Schedule of Civil Penalties set forth in subsection 4.4(b), and without otherwise limiting the remedies which may be obtained under this division, the Superintendent may issue an order assessing a civil penalty or other monetary assessment in accordance with the following provisions:

(1) No order assessing a civil penalty for a violation shall be issued until after the alleged violator has been provided an opportunity for a hearing before the administrative judge, except with the consent of the alleged violator. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, on the alleged violator or his authorized representative at least thirty(30) days prior to the hearing. The notice shall specify the time and place for the hearing, facts and legal requirements related to the alleged violation, and the amount of any proposed civil penalty. At the hearing the alleged violator may present evidence, including witnesses, regarding the occurrence of the alleged violation and the amount of the penalty, and may examine any witnesses for the city. A verbatim record of the hearing shall be made. Within thirty (30) days after the conclusion of the hearing, the administrative judge shall make findings of fact and conclusions of law and issue the order.

(2) No such order shall assess civil penalties in excess of thirty-two thousand five hundred dollars ($32,500.00) per violation, not to exceed one hundred thousand dollars ($100,000.00) per order, or such other amount as may be allowed under Code of Virginia § 62.1-44.15 or any successor statute, except with the consent of the violator.

(3) The actual amount of any civil penalty assessed shall be based upon the severity of the violation, the extent of any potential or actual environmental harm or facility damage, the compliance history of the violator, any economic benefit realized from the noncompliance, and the ability of the violator to pay the penalty. In addition to civil penalties, the order may include a monetary assessment for actual damages to sewers, treatment works and appurtenances and for costs, attorney fees and other expenses resulting from the violation.

(4) Any civil penalty or other monetary assessment included in any such order shall be payable as set forth in the order. Any unpaid balance at the time payment of the civil penalty or other monetary assessment is due may be collected in an action at law against the violator or included in the violator's bill for sewer services and collected in accordance with sections 4.2 sub-section 1, 2 and 3

Section 4.4 Notice of Violation and Fees

(a) Any order issued by the Water Resources Superintendent, whether or not such order assesses a civil penalty, shall inform the alleged violator of his right to judicial review of any final order by appeal to the circuit court on the record of proceedings before the director. To commence an appeal, the alleged violator shall file a petition in circuit court within thirty (30) days of the date of the final order, and failure to do so shall constitute a waiver of the right to appeal. With respect to matters of law, the burden shall be on the party seeking review to designate and demonstrate an error of law subject to review by the court. With respect to issues of fact, the duty of the court shall be limited to ascertaining whether there was substantial evidence in the record to reasonably support such findings.

(b) Any violation listed in the following schedule shall subject the violator to a civil penalty in the amount of one hundred dollars ($100.00) for an initial summons and one hundred fifty dollars($150.00) for each additional summons in lieu of any other civil penalty authorized by this section; provided, however, that the total amount for a series of specified violations arising from the same operative set of facts shall not exceed three thousand dollars ($3,000.00), as follows:

(1) The Water Resources Superintendent, or Industrial Coordinator may issue a violation; any person summoned or issued a violation may make an appearance in person or in writing by mail to the Water Resources Superintendent prior to the date fixed for trial. Any person so appearing may enter a waiver of trial, admit liability and pay the civil penalty established for the violation.

(2) If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any such trial, the city shall have the burden of proving by a preponderance of the evidence the liability of the alleged violator.

(3) An admission of liability or finding of liability under this section shall not be deemed an admission at a criminal proceeding, and no civil action authorized by this section shall proceed while a criminal action is pending.

(4) Any civil penalties imposed pursuant to this subsection shall be paid into the treasury of the city for the purpose of abating, preventing or mitigating environmental pollution.

Section 4.5 Variances

The Superintendent of Water Resources may authorize a variance from the provisions of section 4.3 in any case in which a property owner or other person demonstrates that strict compliance with the provision from which a variance is sought would cause undue hardship or extraordinary expense and the director is satisfied that the authorization of the variance will not adversely affect the public sewer system. In such cases, the director shall impose such reasonable conditions as will ensure, to the extent possible, that the variance does not adversely affect the public sewer system.

Section4.6 Severability

The provisions of this division shall be severable, it being the intention of the city council that in the event one (1) or more of the provisions of this division are adjudged to be invalid or unenforceable, the validity and enforceability of the remaining provisions shall be unaffected by such adjudication.

Section 4.7 Naming Administrative Judge

The administrative judge shall be the city Fire Marshall or in his absence an individual named by the city manager.

ARTICLE V
Appeals from Decisions of Administrative Authority

Section. 5.1 Appeals

Persons charged and found guilty of Sewer Use Violations by the Administrative Authority may appeal , within 30 days after the filing of such decision, but not thereafter, may present to a court of record a petition, duly verified, setting forth a claim that such decision is illegal, in whole or in part, and specifying the grounds of alleged illegality; whereupon such decision of said Administrative Authority shall be subject to review as provided by law.

Section5.2 Filing appeals

Appeals must be filed with the Water Resources Superintendent or Industrial Coordinator within Thirty days and should include the date of the violation, the address where the violation occurred, a short paragraph describing the circumstances leading up to violation, reasons for the appeal as well a contact information for the responsible party

ARTICLE VI
Definition of Terms

Section. 6.1

For the purposes of these regulations, certain terms and phrases shall be considered to have the following definitions:

a. Act or "the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et.seq.

b. Administrative Authority shall mean the Superintendent of Water Resources or his designated agent the Industrial Coordinator.

c. Approval Authority shall mean the Director of the Virginia Department of Environmental Quality (DEQ).

d. Authorized or Duly Authorized Representative of the User

(1) If the User is a corporation:

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

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

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

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

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

the company, and the written authorization is submitted to the City of Martinsville Virginia..

(e) Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to implement the prohibitions listed in 9VAC 25-31-770, 40CFR 403.5(a)(1) and (b), SUO Sec. 2.1(a-s) and to prevent or reduce the pollution of surface waters.

BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

(f). Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade usually expressed as a concentration(e.g,mg/l)

(g). Bypass means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

(h). Categorical Pretreatment Standard - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1317) which applies to specific categories of Industrial Users [40CFR Chapter I, Subchapter N, Parts 405-471].

(i). CFR means "Code of Federal Regulations".

(j). Chemical Oxygen Demand (COD) means the measure, expressed in mg/l, of oxygen consuming capacity of inorganic and organic matter present in water or wastewater, expressing the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter, and thus not necessarily correlating with biochemical oxygen demand.

(k). City shall mean the City of Martinsville.

(l). Control Manhole means a manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

(m).Combined Sewer shall mean a sewer receiving both surface runoff and sewage.

(n). Daily Maximum Discharge Limitation means the maximum allowable discharge of a pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(o). Day/Days shall mean the twenty-four hour period beginning at 12:01 a.m. / calendar days unless otherwise specified in text.

(p). Domestic Sewage shall mean the water transported human and household waste from sanitary conveniences discharged to a public sewer.

(q). Enforcement Response Plan (ERP) means a document(s) that contains detailed procedures on how the City investigates and responds to instances of Industrial User (IU) noncompliance.

(r). Garbage shall mean the residue from the preparation and dispensing of food and from the handling, storage and sale of food products and produce.

(s). Ground Garbage shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be carried freely in suspension under the flow condition normally prevailing in public sewers with no particle greater than one-half inch (1/2") in any dimension.

(t). Indirect Discharge or Discharge – The introduction of pollutants into the POTW from any nondomestic source.

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

(v). Industrial Waste shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process, or from the development, recovery or processing of any natural resource, as distinct from domestic waste.

(w). Interference A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a Violation of the POTW's VPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

(x). Milligrams Per Liter (mg/l) means the same as parts per million and is a weight-to-volume ratio; the milligrams per liter multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

(y). NACIS means North American Industry Classification System

(z). New Source –means when used in Part VII of the VPDES Permit Regulation, 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 CWA which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(1). (a). The building, structure, facility or installation is constructed at a site 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 of wastewater generating processes of the building, structure, facility or installations 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.b., 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 purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(aa) Normal Wastewater means wastewater discharged into the sanitary sewers in which the concentration of total suspended solids and BOD is not more than 300 mg/l.

(bb). Pass Through means the discharge of pollutants through the City's POTW into State waters in quantities or concentrations which are a cause in whole or in part of a violation of any requirement of the City's VPDES permit, including an increase in the magnitude or duration of a violation.

(cc) Person shall mean any and all persons, including any individual, firm, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

(dd). PH shall mean the logarithm (base 10) of the reciprocal of the hydrogen/ion concentration expressed in moles per liter. It shall be determined by one of the procedures outlined in "Standard Methods" or "40 CFR Part 136" and amendments thereto.

(ee). Plant means the City of Martinsville Regional Water Pollution Control Plant.

(ff). POTW means "Publicly Owned Treatment Works" A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or Industrial Wastes of a liquid nature and any conveyances, which convey Wastewater to a treatment plant.

(gg). Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

(hh) . Pretreatment Requirements – Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

(ii). National Pretreatment Standard, Pretreatment Standard, or Standard shall mean any regulation containing pollutant discharge limits including local limits to address Federal Standards as well as State and Local regulations, and to protect the treatment process and receiving water quality. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

(jj). Public Sewer shall mean a sewer provided by or subject to the jurisdiction of the City of Martinsville. It shall also include sewers within or outside the City boundaries that serve one or more persons and ultimately discharge into the City's sanitary sewer system, even though those sewers may not have been

constructed with City funds.

(kk). Sanitary Sewer shall mean a sewer that conveys sewage or industrial waste or a combination of both, and into which storm, surface and groundwater or unpolluted waters are not intentionally admitted.

(ll). Sewage or Wastewater shall mean the water transported human, animal and household waste in a public or private drain and may include groundwater infiltration, surface inflow and industrial wastes.
(mm) .Sewer shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

(nn). Sewerage shall mean the system of sewers and appurtenances for the collection, transportation and treatment of sewage and industrial wastes.
(oo)." Shall" is mandatory; "may" is permissible.

(pp). SIC means Standard Industrial Classification System

(qq). Significant Industrial User (SIU) – a Significant Industrial User is:

(1)An Industrial User subject to categorical Pretreatment Standards; or
(2)An Industrial User that:
(a)Discharges an average of twenty-five thousand (25,000) gpd or more of process Wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown Wastewater);
(b)Contributes a process wastestreams which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
(c)Is designated as such by the Administrative Authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

(rr.)Significant Noncompliance - This term shall be applicable to all Significant Industrial other Industrial User that violates paragraphs (c), (d) or (h) of this Section) and shall mean:

(1)Chronic Violations of Wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 6.1;

(2). Technical Review Criteria (TRC) Violations, defined here as those in which thirty-three percent (33%) or more of Wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section6.1 multiplied by the applicable criteria (1.4 for BOD, TSS, Fats, Oils and Grease, and 1.2 for all other pollutants except pH);

(3). Any other Violation of a Pretreatment Standard or Requirement as defined by Section1.1 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Administrative Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

(4). Any discharge of a pollutant that has caused imminent endangerment to human health, welfare the public or to the environment, or has resulted in the Administrative Authority's exercise of its emergency authority to halt or prevent such a discharge;

(5). Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone

contained in an individual Wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6). Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7). Failure to accurately report noncompliance; or

(8). Any other Violation(s), which may include a Violation of Best Management Practices, which the Administrative Authority determines will adversely affect the operation or Implementation of the local pretreatment program.

(ss). Slug Discharge - Any discharge of a non-routine episodic nature, including but not limited to an accidental spill or non-customary batch Discharge, which has reasonable potential to cause Pass Through or Interference, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

(tt.) Storm Sewer - A Sewer that carries storm surface, and groundwater drainage, but excludes sewage and Industrial Wastes.

(uu). Surcharge - The assessment, in addition to the regular User Charge, which is levied on those Persons whose wastes are greater in strength than the concentration values established as representative of normal sewage.

(vv).Suspended Solids, Total (TSS) - Solids that either float on the surface of, or are in suspension in water, sewage or Industrial Waste and which are removable by laboratory filtration devices; quantitative determination of suspended solids shall be made in accordance with procedures set forth in or "40 CFR Part 136" and amendments thereto.

(ww).Testing or Analysis of Wastewater - The examination and analysis of the Wastewater and its components by approved methods as set forth in the most recent editions of ASTM Standard Test Procedures, and EPA Manual of Methods for Chemical Analysis of Water and Waste and 40 CFR Part 136 and amendments thereto; the Administrative Authority may request that certain tests be conducted by a specified method.

(xx).Violation - Failure to comply with or meet any applicable requirement contained in these Regulations or any part of the applicable Pretreatment Program, including applicable Wastewater discharge permits, categorical standards or Pretreatment Standards.

(yy). User or Industrial User – Any source of Indirect Discharge

APPENDIX C

ENFORCEMENT RESPONSE PLAN (ERP)

CITY OF MARTINSVILLE WASTEWATER TREATMENT PLANT
VPDES PERMIT NO. VAOO25305

ENFORCEMENT RESPONSE PLAN (ERP)

Pursuant to 40 CFR 403.8 (f)(5) and 9 VAC 25-31-800 F 5 it is required that POTWs with approved Pretreatment Programs must develop and implement an **Enforcement Response Plan (ERP)**. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance and shall, at a minimum:

(1) Describe how the POTW will investigate instances of noncompliance;

(2) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;

(3) Identify by title the official(s) responsible for implementing each type of enforcement response; and

(4) Adequately reflect the POTW's primary responsibility to enforce all applicable Pretreatment Requirements and Standards, as provided in 40 CFR 403.8(f) (1) and (2).

I. Definitions

For the purposes of this **Enforcement Response Plan**, the following definitions shall apply:

(a) **Violation** shall mean failure to comply with or meet any applicable requirement contained in City of Martinsville, Virginia Water and Sewer Services Terms and Conditions, "Appendix B - City of Martinsville, Virginia Regulations Governing Industrial Discharges to the Sanitary Sewer System" approved by City Council March 24, 1981, and as amended, or any part of the applicable Pretreatment Program, including applicable wastewater discharge permits, categorical standards or Pretreatment Standards. **(Article I, Sec. 1.1 (yy))**

(b) **Significant Noncompliance** - shall mean violations which meet one or more of the following criteria:

1) **Violations** of wastewater discharge limits:

a. **Chronic violations -** Sixty-six percent (66%) or more of the measurements exceed by any magnitude a numeric pretreatment standard or requirement, including instantaneous limits, in a six (6) month period for the same pollutant parameter;

b. **Technical Review criteria (TRC) violations -** Thirty-three percent (33%) or more of the measurements for the same pollutant parameter taken during a six (6) month period exceed the product of a numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the applicable TRC:

Group I for Conventional Pollutants:

TRC = 1.4 for BOD, TSS, fats, oil, and grease

Group II for all other pollutants except pH:

TRC = 1.2

c. **Any other violation(s)** - of a pretreatment standard or requirement (daily maximum or longer-term average, instantaneous limit or narrative standard) that the City determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City personnel or the general public);

d. **Any discharge of a pollutant** that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;

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

3) **Failure** to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

4) **Failure** to accurately report noncompliance; or

5) **Any other violation** or group of violations, which may include a violation of a BMP, that the City determines will adversely affect the operation or implementation of its local Pretreatment Program.

II. Source Inventory [CFR 403.8(f)(2)(i)]

The Pretreatment Coordinator shall maintain a complete and accurate source inventory that shall include but not limited to the following:

1) Industrial User's name and facility location and mailing address;

2) Name, title, and telephone number(s) of Industrial User's authorized representative(s);

3) Identification Number / codes: discharge permit, SIC/NAICS (industrial category) and other permits;

4) Discharge limits and basis for limits (categorical standards, local pretreatment limits), etc.;

5) Daily discharge volumes, types and frequency of discharge;

6) Facility operation characteristics, number of employees, shifts, products, raw materials and process additives used (applicable MSDS);

7) Pretreatment facility (equipment description, plans, drawings, etc.);

8) Priority pollutant information, wastewater monitoring data reports;

9) Control mechanism status, compliance dates and other special requirements, permit application / industrial waste survey

This information shall be reviewed and updated at least annually by the Pretreatment Coordinator.

Industrial User wastewater surveys / applications are filed alphabetically per User name.

Access to this information must be given to appropriate local, State and Federal officials.

III. Information Flow - Monitoring and Analysis

The Pretreatment Coordinator shall be responsible for maintaining all required program information and the proper flow and handling of each industrial user's self-monitoring reports, and other required submittal of routine and non -routine data. The appropriate and efficient dispensing and receipt of pertinent information, including confidential User information in accordance with applicable law, shall be performed. Proper communication channels between the Pretreatment Coordinator and each User shall be established and timely documented so, if necessary, they can be used in enforcement proceedings. A telephone log is kept on file per User.

The Pretreatment Coordinator shall inspect the facilities of any IU to determine whether they are complying with the requirements of the Pretreatment Standards pursuant to the sewer use ordinance and/or discharge permit. Persons or occupants of the IU's premises shall allow the Pretreatment Coordinator or other City personnel with proper identification, ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, compliance monitoring, metering operations, and records copying.

IV. Enforcement Screening, Evaluation and Action

A. Screening

The Pretreatment Coordinator shall review all available User information to sort out and to identify noncomplying dischargers for appropriate enforcement response. All User Self-Monitoring Reports are alphabetically filed after the required effluent data have been recorded onto the User's industrial data monitoring spreadsheet. This same User information is also entered into the industrial data database. A computer "back-up" copy of the database shall be kept.

The following items are checked upon receipt of User Self- Monitoring Reports:

1. Actual sampling date(s).
2. Sampling chain of custody form - complete information.
3. Proper/required sampling protocol.
4. Actual analysis results per required parameter and required test methods and MDLs.
5. SMR's submittal and receipt dates.
6. Proper certification of SMRs (Self-Monitoring Reports).

B. Review and Evaluation

Any violations and discrepancies in submitted User SMR's that were identified upon receipt by the Pretreatment Coordinator shall be handled according to the attached Enforcement Response Plan (ERP). The Pretreatment Coordinator shall determine the appropriate action for User violations, and significant noncompliance (SNC).

The User compliance tracking system (via customized computer analysis) will give immediate User compliance status with applicable and regulated Pretreatment Standards.

All correspondence and contacts with the User regarding any alleged violation(s) shall be well documented through the use of computer files and the User hardcopy file.

C. **Non-Industrial Users**

Any individual or company with a contract with the City of Martinsville for Water and Sewer service shall abide by all tenants of the Sewer Use ordinance. Any violators will be subject to the same consequences as laid out in this document for industrial users. Including but not limited to:

1. Informal actions can include:

- Informal notice to User (telephone call)
- Informal meeting
- Warning letter (NOV)

2. Formal Actions include:

- Administrative orders and meetings to show cause
- Administrative penalties
- Civil suit for injunctive relief and/or civil penalties and damages
- Criminal prosecution
- Termination of service (revoke discharge permit)

D. **Actions by CITY**

If noncompliance is detected, the Pretreatment Coordinator shall immediately contact the Water Resources Director and evaluate formal enforcement. If appropriate, the Pretreatment Coordinator may consult the City Attorney prior to implementing enforcement action.

A general willingness and showing of "good faith" on the part of the violator to return to compliance will predispose the Martinsville Wastewater Treatment Plant to take less stringent enforcement action.

CITY OF MARTINSVILLE WASTEWATER TREATMENT PLANT PRETREATMENT PROGRAM ENFORCEMENT RESPONSE PLAN

An Enforcement Response Plan is included to assist in this evaluation reflecting the following concepts.

1) All violations of requirements must be reviewed and responded to by the Pretreatment Coordinator.

2) The Pretreatment Coordinator shall notify the User when a violation is found.

3) For most violations, the Pretreatment Coordinator will receive an explanation and, as appropriate, a plan from the User to correct the violation within a specified time period.

4) If the violations persist or the explanation and the plan are not adequate, the Pretreatment Coordinator shall establish more "formal" actions through the use of enforceable documents (orders, schedules, etc.) as appropriate.

5) The enforcement response selected will be related to the seriousness of the violation(s). Enforcement responses will be escalated if compliance is not achieved expeditiously after taking initial action. The enforcement responses are divided into "informal" responses and "formal" responses.

6) The enforcement response must be appropriate to the violation. For example, while in some instances telephone calls may be appropriate responses for late reports, treatment plant upsets merit a more immediate and severe response.

Informal actions can include:

- Informal notice to User (telephone call)
- Informal meeting
- Warning letter (NOV)

Formal Actions include:

- Administrative orders and meetings to show cause
- Administrative penalties
- Civil suit for injunctive relief and/or civil penalties and damages
- Criminal prosecution
- Termination of service (revoke discharge permit)

A. Informal Actions

** telephone call, meeting, notice or meeting to show cause, warning letter (NOV) **

In the event of a violation, as defined herein, the Pretreatment Coordinator shall contact the User's designated representative by telephone and / or issue written notice of violation within **five (5) working days** of actual proof/discovery of the violation.

In the event of failure to respond satisfactorily, the Pretreatment Coordinator, with the approval of the Wastewater Treatment Plant Manager and the Superintendent of Water Resources, may also terminate potable water and wastewater service and disconnect the User from the system.

B. Formal Actions

a) In the event of Significant Noncompliance (SNC), as defined herein, including without limitation, violations of any compliance schedule, the Pretreatment Coordinator shall issue a written Notice Of violation (NOV) and a Written Order (WO). The Pretreatment Coordinator shall publish in January of each year in the Martinsville Bulletin a list of Users in Significant Noncompliance (SNC) at least once during the twelve (12) previous months. In addition, the Pretreatment Coordinator, with the approval of the Wastewater Treatment Plant Manager and

the Superintendent of Water Resources, may also terminate potable water and wastewater service and disconnect the User from the system.

b) In addition to any other action, or remedy, the City is entitled to pursue all other enforcement actions pursuant to Appendix B, Article V, of the City of Martinsville. Virginia Water and Sewer Services Terms and Conditions.

The Enforcement Response Plan is used as follows:

1) Locate the type of noncompliance in the **FIRST COLUMN** and identify the most accurate description of the violation in **COLUMN TWO**.

2) Assess the appropriateness of the recommended response(s) in **COLUMN THREE**. First offenders or Users may offer a more lenient response. Repeat offenders or Users or those demonstrating negligence will require a more stringent response.

3) Apply the enforcement response to the User. Specify corrective action or other responses required of the User, if any. **COLUMN FOUR** indicates City personnel to take each response and present it to the User.

4) Follow-up with escalated enforcement action if the User's response is not received or violation continues.

C. Terms and abbreviations used in this plan are defined below:

AO	-	Administrative Order
AP	-	Administrative Penalties - Monetary penalty assessed by the City as allowed under state law
Civil Action	-	Civil litigation against the User seeking equitable relief, monetary penalties and actual damages
Criminal Prosecution	-	Pursuing punitive measures against a person and/or organization through a court of law
IU	-	Industrial User
MDL	-	Method Detection Limit
Meeting	-	Informal compliance meeting with the IU to resolve recurring noncompliance
NOV	-	Notice of violation
PC	-	Pretreatment Coordinator

SMR	-	Self-Monitoring Report
SWR	-	Superintendent of Water Resources
SNC	-	Significant Noncompliance
Show Cause	-	Formal meeting requiring the IU to appear and demonstrate why the City or the Superintendent should not take proposed enforcement action(s) against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.
SPP	-	Spill Prevention Plan
WO	-	Written Order
WW	-	Wastewater Treatment Plant Manager

ENFORCEMENT RESPONSE PLAN FLOW-CHART

I. ILLEGAL DISCHARGES

NONCOMPLIANCE	NATURE OF THE VIOLATION	INITIAL RESPONSE; FOLLOW-UP	PERSONNEL
1) Unpermitted discharge (no permit)	IU unaware of permit requirement no environmental or POTW damage	Phone call; NOV with application form	PC, WW
	Results in violation of VPDES permit, or dangerous situation -- (SNC)	AO with AP	PC, WW
		Civil Action	PC, SWR
		Criminal Investigation	PC, SWR
		Terminate Service	PC, SWR
2) Nonpermitted discharge (expired permit)	Failure to apply for permit renewal, no environmental damage	Phone call; NOV	PC, WW

II. DISCHARGE STANDARD VIOLATIONS

NONCOMPLIANCE	NATURE OF THE VIOLATION	INITIAL RESPONSE; FOLLOW-UP	PERSONNEL
1) Exceedance of Discharge Limits (Local, Categorical) or violation of BMP	Isolated, non-significant	Phone call; and/or NOV	PC, WW
	Frequent, non-significant (reported offense)	AO to develop SPP and AP	PC, WW
	SNC	NOV, AO with AP Civil Action	PC, SWR
	Caused known Environmental or POTW damage	Civil Action Terminate Service	PC, SWR
2) Slug Load Discharge(s)	Isolated w/o known damage	Phone call; and/or NOV	PC, WW
	Isolated with known interference, pass-through or damage results - SNC	NOV; AO to develop slug control plan and AP	PC, WW
	Recurring -- SNC	Civil Action Terminate Service	PC, SWR

III. SAMPLING. MONITORING AND REPORTING VIOLATIONS

NONCOMPLIANCE	NATURE OF THE VIOLATION	INITIAL RESPONSE; FOLLOW-UP	PERSONNEL
1) Minor sampling, monitoring, or reporting deficiencies (computational or typographical errors)	Isolated or infrequent (1st or 2nd offense)	Phone call or NOV	PC, WW
	Frequent (repeated offense) or continuous	AO to submit with fine	PC, WW
2) Major sampling, monitoring, or reporting deficiencies (missing information, late reports); any report > 45 days late -- SNC	Isolated or infrequent (1st or 2nd offense)	Phone call; NOV	PC, WW
	Frequent (repeated offense) or continuous to become SNC	AO with AP Show Cause Order	PC, WW
		Civil Action	PC, SWR
3) Complete failure to sample, monitor, or report	Continued SNC	Show Cause Order	PC, WW
		Civil Action Terminate Service	PC, SWR
4) Failure to submit schedule of compliance --SNC	Violation of Consent Order or AO	Show Cause Order	PC, WW
		Civil Action Terminate Service	PC, SWR
5) Failure to notify within 24 hours of effluent limit violation; including failure to resample, analyze, and report within 30 days of becoming aware of a violation; or slug discharge	Isolated or infrequent with No known effects	Phone call; NOV	PC, WW
	Frequent or continued violation -- SNC	AO with AP Show Cause Order	PC, WW
	Known Environmental or CITY damage results -- SNC	Civil Action Terminate Service	PC, SWR
6) Failure to install monitoring equipment (as per Regulations)	Continued SNC	AO to install with AP	PC, WW
		Civil Action Terminate Service	PC, SWR

IV COMPLIANCE SCHEDULE VIOLATIONS NONCOMPLIANCE

NONCOMPLIANCE	NATURE OF THE VIOLATION	INITIAL RESPONSE; FOLLOW-UP	PERSONNEL
1) Missed milestone date	Will not affect other milestone dates or final date	Phone call; NOV	PC, WW
	Will affect other milestone or final dates. Violation for good cause.	AO with AP	PC, WW
	Will affect other milestone date or final date. Violation not for good cause -- SNC	Show Cause Order	PC, WW
		Civil Action Terminate Service	PC, SWR
2) Failure to meet compliance schedule reporting requirements	Did not submit report but did complete milestone.	NOV AO with AP	PC, WW
	Did not submit report or complete milestone	Show Cause Order	PC, WW
		Civil Action	PC, SWR
3) Missed Final Date	Good Cause	NOV AO with AP	PC, WW
	30 days or more outstanding; failure or refusal to comply without good cause	Show Cause Order	PC, WW
		Civil Action Terminate Service	PC, SWR
4) Reporting False Information Note: Refer to [Appendix B. Article V. Sec. 5.3 (c); 40 CFR 403.12(m); CWA Sec. 309 (c) (2)]	Any Instance -- SNC	Civil Action (Criminal Investigation)	PC, SWR

TIME FRAMES FOR RESPONSES AND FOLLOW-UP

A. All violations will be identified and documented within five (5) working days of receiving compliance information.

B. Initial enforcement responses:

1. Issue NOV's [3-5 days]
2. Issue AO's [5-10 days]
3. File civil complaints [60-90 days]
4. File criminal charges [when evidence permits]

C. Follow-up actions for continuing or reoccurring violations will be taken within 60 days of the initial enforcement response.

1. NOV-AP or AO [30 days]
2. AO-AP, Show Cause Order [30-60 days]
3. Civil litigation --- termination [90-180 days]

D. Violations that threaten health, property or environmental quality are considered emergencies and shall receive immediate responses such as halting the discharge or terminating service.

E. All violations meeting the criteria for Significant Noncompliance (SNC) will be addressed with an enforceable order within 30 days of the identification of the SNC.

****

The Pretreatment Coordinator retains discretion, with final approval of the Wastewater Treatment Plant Manager and Superintendent of Water Resources, to pursue all appropriate enforcement actions in all cases including, without limitation, cases where:

1) the violation significantly exceeds permit requirements such that CITY personnel or property are placed at risk;

2) violations continue over a long period of time or constitute a pattern of noncompliance; or

3) the violation or violations cause an interference or pass through.

APPENDIX D

CONTRACT FOR UTILITY SERVIES

City of Martinsville
CONTRACT FOR UTILITY SERVICES

SERVICE SCHEDULE

EL _____ Wa/Sw _____

DATE _____

Inspection Yes ( ) No ( )

NAME _____ S.S.# _____

NAME OF SPOUSE _____

INSIDE CITY _____

SERVICE ADDRESS _____ OUTSIDE CITY _____

RESIDENCE ( ) RESIDENCE/BUSINESS ( ) BUSINESS ( ) SANCTUARY ( )

I/We agree to use and pay for this service, under the schedules shown above, in accordance with the City of Martinsville Terms and Conditions for Electric Service and/or Terms and Conditions for Water and Sewer Service which are or may come in force during the life of this contract.

Signature _____

Mailing Address _____ Phone _____

DATE PAID _____

DEPOSITS

Electric $ _____

Water $ _____

Recon/DD Fee $ _____

_____

Treasurer/Billing

APPENDIX E

APPLICATION FORM AND
CONNECTION FEES

City of Martinsville, Virginia
Application for Water/Sewer Connection

In compliance with existing ordinances, I/We hereby make application for:

Water Service _____ Sewer Service _____ Date _____

Address _____ Phone _____

Property Owner _____ Meter No. _____

Connection Charges:

Water _____ + Sewer _____ = Total _____

Treasurer _____

Note: This is a connection fee only and will not provide service. Service contracts must be setup in Utility Billing, Room 103, before water or sewer service is provided.

White: Customer
Canary: Water/Sewer Crews
Pink: Water Resources Copy
Gold: Treasurer

City of Martinsville, Virginia

Schedule of Connection Charges

Water Connections

For each 3/4-inch diameter connection	$900.00
For each 1-inch diameter connection	$950.00

For each connection exceeding 1-inch in diameter, the fee shall be the total actual cost of materials, labor and equipment, plus 35% of the actual labor cost.

Sewer Connections

For each 4-inch diameter connection	$850.00
For each 6-inch diameter connection	$900.00

Sewer Connections - New Subdivisions

To include streets opened after 7/26/67 and developed under the City's Subdivision Ordinance.

In addition to the applicable fees as provided above $200.00

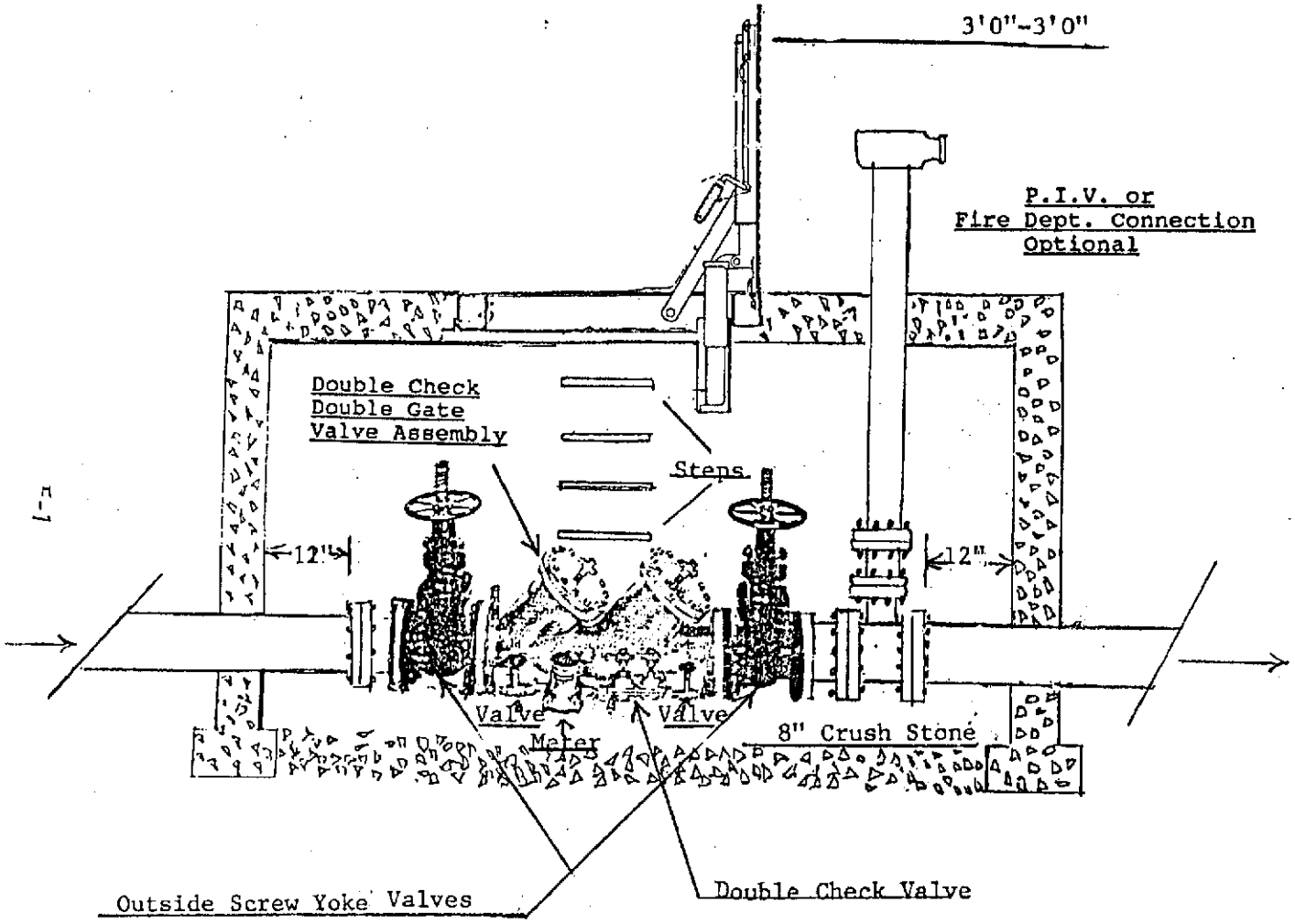
Effective
7/22/2014

APPENDIX F

FIRE SERVICE
CONNECTIONS

CITY OF MARTINSVILLE
Backflow Prevention Assembly
For Private Fire Line Connection

March 27, 1992



NOTES:

1. Vault shall be located in non-traffic area, if possible, and constructed as shown and as specified below. If a traffic area location is necessary, an iron access manhole shall be installed plus a separate meter box opening for reading detector meter. Construction materials shall be determined by location and approved by the Building Inspection office.

2. Door shall be easy opening 3'0 x 3'0 aluminum (Bilco type) located over meter and providing safe access to steps.

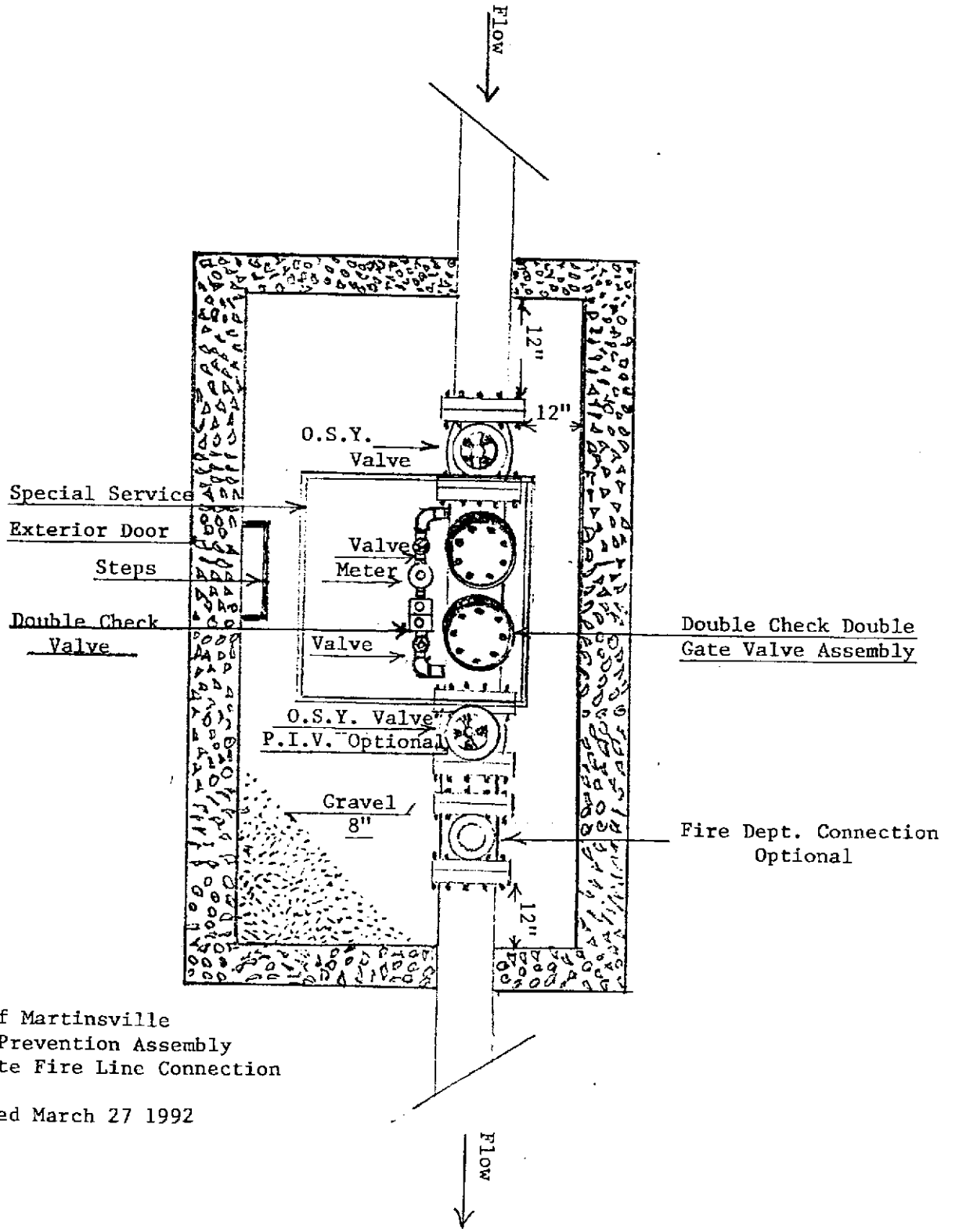
3. Steps shall be polypropylene coated cast iron or smooth steel.

4. Fire Department connection (if installed) shall meet National Fire Protection Association (NFPA) standards, shall be located downstream from all other components, and shall include a check valve in riser with ball drain down.

5. Detector meter shall be size and type as specifed by assembly manufacturer and shall be installed using bronze fittings and copper pipe. Remote readouts may be used, where appropriate.

6. Valves shall be outside screw yoke or gated N.F.P.A. approved type. Post indicators (P.I.V.) may be used, where appropriate.

7. Installation shown is to provide minimum protection required for a normal private fire line connection. Other backflow prevention devices may be acceptable or required in some cases for fire connections, and a double check assembly does not provide sufficient protection for most other protected non-fire connections depending on the degree of hazard involved. All proposed backflow devices and installations shall be submitted to and approved by the Building Inspection office.



City Of Martinsville
Backflow Prevention Assembly
For Private Fire Line Connection

Revised March 27 1992

APPENDIX G

WATER DEPOSITS

WATER DEPOSITS

Residential

$25 for each separately metered residential unit located within the city.

$30 for each separately metered residential unit located outside the city.

Where more than one residential unit is served through a single meter, $25 for the first unit and $15 for each additional **unit.**

Professional Offices

$50 for each metered service.

If more than one professional office is serviced through the same meter, the deposit shall be $50 for each such office.

Commercial (All Business Enterprises Other Than Professional)

As set forth by utility billing based upon the nature of the enterprise.

Industrial

As set forth by the Water Resources Director based upon the nature of the enterprise.

Water and Sewer Service Terms and Conditions

WHEREAS, Martinsville City Council first adopted "Water and Sewer Services Terms and Conditions" in February 1998.

WHEREAS, as further revision of said regulation is deemed advisable,

THEREFORE, BE IT RESOLVED by the Council of the City of Martinsville, Virginia, assembled in regular sessions held July 8, 2014 and July 22, 2014 that said Terms and Conditions be revised as shown on the attached copy of said Terms and Conditions.

****

Attest:

Brenda Prillaman

Brenda Prillaman, Clerk of Council

July 22, 2014

Date Adopted

July 22, 2014

Date Effective