

**AN ORDINANCE OF THE COUNCIL FOR THE TOWN OF ABINGDON, VIRGINIA
TO AMEND PART II – CODE, CHAPTER 74 – UTILITIES; ARTICLE II. – SEWERS
AND SEWAGE DISPOSAL
DIVISION 4. – WASTEWATER DISCHARGE**

SUBDIVISION 1. – IN GENERAL, SECTION 74-82 – ADMINISTRATION

**SUBDIVISION III. – ADMINISTRATION,
SECTION 74-123. – WASTEWATER ANALYSIS
AND SECTION 74-124. – PERMIT-REQUIREMENT**

WHEREAS, §15.2-1102 of the Code of Virginia 1950, as amended, established that the governing body of any town may enact and enforce ordinances for the general purpose of promoting the public health, safety, convenience and welfare of its general public; and

WHEREAS, the Town of Abingdon's current Code, Chapter 74 – Utilities; Article II. – Sewer and Sewage Disposal, Division 4. – Wastewater Discharge, Subdivision 1. – In General, Section 74-82 – Administration; Subdivision III. – Administration, Section 74-123. – Wastewater Analysis and Section 74-124. – Permit-Requirement, the Council for the Town of Abingdon has found it in the best interest to amend the sections of its ordinance; and

NOW, THEREFORE BE IT ORDAINED by the council of the Town of Abingdon that:

1. Should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Code of the Town of Abingdon, Virginia; and

2. The Town of Abingdon's Code – Chapter 74 – Utilities; Article II. – Sewer and Sewage Disposal, Division 4. – Wastewater Discharge, Subdivision 1. – In General, Section 74-82. - Administration; Subdivision III. - Administration, Section 74-123. – Wastewater Analysis and Section 74-124. – Permit-Requirement that is proposed for amendment currently appears as follows:

Sec. 74-82. - Administration.

Except as otherwise provided herein, the facility manager shall administer, implement, and enforce the provisions of this division, any powers granted to or duties imposed upon the facility manager may be delegated by the facility manager to other town personnel.

Sec. 74-123. - Wastewater analysis.

When required by the facility manager, a user must submit information on the nature and characteristics of its wastewater by completing a wastewater survey within 60 days of the request. The facility manager is authorized to prepare a form for this purpose and may periodically require industrial users to update this information. Failure to complete this survey shall be reasonable grounds for terminating service to the user and shall be considered a violation of this article.

Sec. 74-124. - Permit—Requirement.

(a) Individual wastewater discharge permit requirement:

(1) No user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the facility manager, except that a user that has filed a timely application pursuant to section 74-125 of this division may continue to discharge for the time period specified therein.

(2) The facility manager may require other users to obtain wastewater discharge permits as necessary to carry out the purpose of this division.

(3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this division and subjects the wastewater discharge permittee to the sanctions set out in sections 74-191 through 74-197 and 74-203 through 74-207 of this division. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(b) General permits requirement:

(1) At the discretion of the facility manager, the facility manager may use general permits to control discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

- (1) Involve the same or substantially similar types of operations;
- (2) Discharge the same types of wastes;
- (3) Require the same effluent limitations;
- (4) Require the same or similar monitoring; and
- (5) In the opinion of the facility manager, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

(2) To be covered by the general permit, the SIU or discharger must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with section 74-161(b) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the town manager has provided written notice to the

SIU or discharger that such a waiver request has been granted in accordance with section 74-161(b).

(3) The facility manager will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU or discharger meets the criteria in section 74-124(b.1) and applicable state regulations, and a copy of the user's written request for coverage for three years after the expiration of the general permit.

(4) The facility manager may not control an SIU or discharger through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the combined waste stream formula (section 74-93(3)) or net/gross calculations (section 74-93(5)).

BE IT FURTHER ORDAINED, that upon the recommendation of the Council for the Town of Abingdon, Part II – Code, , Chapter 74 – Utilities; Article II. – Sewer and Sewage Disposal, Division 4. – Wastewater Discharge, Subdivision 1. – In General, Section 74-82. - Administration; Subdivision III. - Administration, Section 74-123. – Wastewater Analysis and Section 74-124. – Permit-Requirement be repealed, amended and reenacted as follows:

Sec. 74-82. – Administration.

Except as otherwise provided herein, the Town Manager shall administer, implement, and enforce the provisions of this division. The Town Manager may delegate any powers granted to or duties imposed upon the Town Manager to other town personnel.

Sec. 74-123. - Wastewater analysis.

When required by the Town Manager or designee, a user must submit information on the nature and characteristics of its wastewater by completing a wastewater survey within 60 days of the request. The Town Manager or designee is authorized to prepare a form for this purpose and may periodically require industrial users to update this information. Failure to complete this survey shall be reasonable grounds for terminating service to the user and shall be considered a violation of this article.

Sec. 74-124. - Permit—Requirement.

(a) Individual wastewater discharge permit requirement:

(1) No user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Town Manager or designee, except that a user that has filed a timely application pursuant to section 74-125 of this division may continue to discharge for the time period specified therein.

(2) The Town Manager or designee may require other users to obtain wastewater discharge permits as necessary to carry out the purpose of this division.

(3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this division and subjects the wastewater discharge permittee to the sanctions

set out in sections 74-191 through 74-197 and 74-203 through 74-207 of this division. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(b) General permits requirement:

(1) At the discretion of the Town Manager, the Town Manager or designee may use general permits to control discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

- (i) Involve the same or substantially similar types of operations;
- (ii) Discharge the same types of wastes;
- (iii) Require the same effluent limitations;
- (iv) Require the same or similar monitoring; and
- (v) In the opinion of the Town Manager or designee, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

(2) To be covered by the general permit, the SIU or discharger must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with section 74-161(b) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the Town Manager or designee deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the town manager has provided written notice to the SIU or discharger that such a waiver request has been granted in accordance with section 74-161(b).

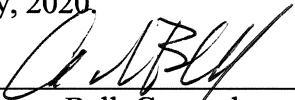
(3) The Town Manager or designee will retain a copy of the general permit, documentation to support the his or her determination that a specific SIU or discharger meets the criteria in section 74-124(b.1) and applicable state regulations, and a copy of the user's written request for coverage for three years after the expiration of the general permit.

(4) The Town Manager or designee may not control an SIU or discharger through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the combined waste stream formula (section 74-93(3)) or net/gross calculations (section 74-93(5)).

CERTIFICATE

Pursuant to Section 2-100 of the Code of the Town of Abingdon, Virginia, I hereby certify that I have reviewed the foregoing proposed ordinance to amend Chapter 74 – Utilities; Article II. – Sewer and Sewage Disposal, Division 4. – Wastewater Discharge, Subdivision 1. – In General, Section 74-82. - Administration; Subdivision III. - Administration, Section 74-123. –

Wastewater Analysis and Section 74-124. – Permit-Requirement, and find it to be in correct form, as set forth above, this _____ day of February, 2020.


Cameron Bell, Counsel

This ordinance was adopted on the 2 day of March²⁰²⁰, to take effect on April 2, 2020

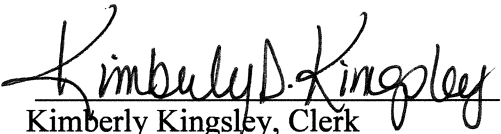

J. Wayne Craig, Mayor

The undersigned Clerk of the Town of Abingdon, Virginia (the “Town”), hereby certifies that the foregoing constitutes a true and correct copy of an ordinance duly adopted at a meeting of the Council held on March 2, 2020. I hereby certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of such meeting reflect the attendance of the members and the voting on the foregoing ordinance was as follows:

MEMBERS	ATTENDANCE	VOTE
J. Wayne Craig, Mayor	yes	aye
Cindy Patterson, Vice Mayor	yes	aye
Al Bradley	yes	aye
Donna Quetsch	yes	aye
Derek Webb	yes	aye

WITNESS MY HAND and the seal of the Town of Abingdon as of March 3, 2020.

(SEAL)


Kimberly Kingsley, Clerk