

AGENDA



CITY OF HOPEWELL

Hopewell, Virginia 23860

AGENDA

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CITY COUNCIL

John B. Partin, Jr., Mayor, Ward #3
Jasmine E. Gore, Vice Mayor, Ward #4
Rita Joyner, Councilor, Ward #1
Michael B. Harris, Councilor, Ward #2
Janice B. Denton, Councilor, Ward #5
Brenda S. Pelham, Councilor, Ward #6
Dominic R. Holloway, Sr., Councilor, Ward #7

Dr. Concetta Manker, Interim City Manager
Danielle Smith, City Attorney
Alyson Reyna, City Clerk Pro Tem

March 28, 2023

REGULAR MEETING

Closed Meeting: 6:00 PM
Work Session: 7:00 PM
Regular Meeting: 7:30 PM

6:00 p.m. Call to order, roll call, and welcome to visitors

CLOSED MEETING

SUGGESTED MOTION: Move to go into closed meeting pursuant to Va. Code Sections 2.2-3711 (A) to discuss and consider personnel matters, including board and commission appointments; the assignment and performance of specific appointee and employees of City Council; and to the extent such discussion will be aided thereby, (A)(4) for the protection of the privacy of individuals personal matters not related to public business.

Roll Call

RECONVENE OPEN MEETING

CERTIFICATION PURSUANT TO VIRGINIA CODE § 2.2-3712 (D): Were only public business matters (1) lawfully exempted from open-meeting requirements and (2) identified in the closed-meeting motion discussed in closed meeting?

Roll Call

WORK SESSION

WS-1 - CDBG Substantial Amendment, Chris Ward, Director of Development

REGULAR MEETING

7:30 p.m. Call to order, roll call, and welcome to visitors

Prayer by Reverend Danny Tucker, followed by the Pledge of Allegiance to the Flag of the United States of America led by Mayor Johnny Partin.

SUGGESTED MOTION: To amend/adopt Regular Meeting agenda

Roll Call

Consent Agenda

All matters listed under the Consent Agenda are considered routine by Council and will be approved or received by one motion in the form listed. Items may be removed from the Consent Agenda for discussion under the regular agenda at the request of any Councilor.

C-1 Minutes: 2/28/23, 3/14/23

C-2 Pending List:

C-3 Information for Council Review:

C-4 Personnel Change Report & Financial Report:

C-5 Public Hearing Announcements: Real Estate Tax Rate Hearing - 04/18/2023;
Hopewell Public School FY24 Budget and City of Hopewell FY24 Budget - 04/25/2023

C-6 Routine Approval of Work Sessions:

C-7 Ordinances on Second & Final Reading:

C-8 Routine Grant Approval:

SUGGESTED MOTION: To amend/adopt consent agenda

Information/Presentations

Public Hearings

COMMUNICATIONS FROM CITIZENS

CITY CLERK: A Communication from Citizens period, limited in total time to 30 minutes, is part of the Order of Business at each regular Council meeting. All persons addressing Council shall approach the microphone, give name and, if they reside in Hopewell, their ward number, and limit comments to three minutes. No one is permitted to speak on any item scheduled for consideration on regular agenda of the meeting. All remarks shall be addressed to the Council as a body, any questions must be asked through the mayor only and there shall be no discussion without permission of the mayor. Any person who makes personal, impertinent, abusive, or slanderous statements, or incites disorderly conduct in Council Chambers, may be barred by the mayor from further audience before Council and removed, subject to appeal to a majority of Council (See Rules 405 and 406)

Unfinished Business

Regular Business

R-1 - Sewer Use Ordinance - Dickie Thompson/Jerry Byerly

R-2 - La Iglesia Renacer Tax Exempt Application - Dr. Concetta Manker, Interim City Manager

R-3 - Bridge and Emergency Vehicle Rating Inspections - Maurice Wilkins, Interim City Engineer

R-4 - Art on the Art (Sturgeon Project Sculpture Showcase) - Tabitha Martinez, Director of Recreation and Parks

R-5 - Land & Water Conservation Fund Status - Tabitha Martinez, Director of Recreation and Parks

Reports of City Manager: Approval of Opioid Settlements with Teva, Allergan, Walmart, and CVS Report Out

Reports of City Attorney:

Reports of City Clerk:

Board/Commission: Vacancies

Architectural Review Board: 1 Vacancy

Board of Equalization/Board of Zoning Appeals: 1 Vacancy

Community Policy and Management Team: 3 Vacancies

Crater District Area Agency on Aging: 1 Vacancy

Dock Commissions: 2 Vacancies

Downtown Design Review Committee: 2 Vacancies

Historic Preservation Committee: 4 Vacancies

Hopewell Redevelopment and Housing Authority: 1 Vacancy

Keep Hopewell Beautiful: 1 Vacancy
Recreation Commission: 4 Vacancies
Social Services Advisory Board: 2 Vacancies

Reports of City Council:

Committees

Councilors Request

Presentations from Boards and Commissions

Other Council Communications

Adjournment

**CLOSED
MEETING**

WORK SESSION

WS-1

CITY COUNCIL WORK SESSION

March 28, 2023

Summary

The City is at risk of receiving a timeliness violation from HUD for not spending its annual allocation quick enough. We are required to spend 80% of our annual CDBG allocation by May 2nd each year.

The reasons that are preventing us from spending CDBG funds in a timely manner include:

- The City's annual process for allocating funds and submitting its Annual Action Plan.
- The timing of contract execution with the City's emergency home repair subrecipient.
- The loss of critical staff with knowledge and expertise in federal labor standards and Davis-Bacon requirements.

City staff and City Council's CDBG Committee recommend the following solutions:

Short Term

- Re-allocate funds from the two small infrastructure projects to a new project involving the purchase of new playground equipment for 3-1/2 Street Park. The two infrastructure projects will be re-funded in a future program year.

Long Term

- Submit the City's Annual Action Plan to HUD earlier in the year.
- Explore changing the program year of July 1-June 30 to October 1-September 30.

TIMELINESS

CITY OF HOPEWELL CDBG PROGRAM

FY2022-2023

CDBG OBJECT #	505699
ORGANIZATION #	52812085
ALLOCATION:	\$225,305.00

SUBRECIPIENT	ACTIVITY #	PROJECT		CONTRACT		TO DATE
		ID	MUNIS	AMOUNT		
ADMINISTRATION	387	1	CD901	\$ 45,061.00		
Subtotal				\$ 45,061.00		\$ -
Public Service						
THE JAMES HOUSE	382	7	CD907	\$ 9,000.00		\$ 9,000.00
HOPEWELL FOOD PANTRY	384	4	CD911	\$ 5,000.00		\$ 5,000.00
CCC - WORKFORCE DEV	386	5	CD924	\$ 15,796.00		\$ 15,796.00
STORY	385	6	CD923	\$ 4,000.00		\$ 4,000.00
Subtotal				\$ 33,796.00		\$ 33,796.00
Housing Rehab						
PROJECT HOMES	383	8	CD919	\$ 75,000.00		\$ 75,000.00
Subtotal				\$ 75,000.00		\$ 75,000.00
Infrastructure						
MAPLE ST		2	CD927	\$ 35,724.00		
NEW YORK AVE		3	CD928	\$ 35,724.00		
Subtotal				\$ 71,448.00		\$ -
TOTALS				\$ 225,305.00		\$ 108,796.00

TIMELINESS THRESHOLD \$182,092.00

BALANCE TO SPEND **\$73,296.00**

Christopher Ward

From: Austin B. Anderson
Sent: Wednesday, May 11, 2022 3:46 PM
To: Tevya Griffin
Cc: Christopher Ward; Stephen Edwards
Subject: RE: CDBG Projects

Good afternoon Tevya and Chris,

Here is a list of potential CDBG Infrastructure projects. All of these locations would address moderate to severe flooding conditions due to substandard local drainage systems and would be similar in scope, size, purpose and need to the recently completed S 19th St and Gilbert St CDBG projects.

Ward 2

1. Carolina Ave 200 LF curb & gutter – curb gap closure along the east side of Carolina Ave between Trenton St and Dublin St. Gap in curb in this block causes flooding to 2310 Dublin St, 2311 Trenton St and surrounding areas as these homes are lower than the road
2. Delaware Ave 400 LF curb & gutter – curb gap closure along the east side of Delaware Ave between Trenton St and Waverly St. Gap in curb in this block causes flooding to 2107 Waverly St, 2115 Freeman St and 2114 Trenton St and surrounding areas as these home are lower than the road
3. 1400 & 1410 New York Ave – install new concrete valley gutter/entrance apron and upgrade existing inlet

Ward 6

1. 2806 & 2808 Maple St – install approximately 200 LF curb & gutter (100 LF each side) in existing roadway sag and upgrade existing substandard grate inlets to mitigate local flooding. During moderate to severe storm events, stormwater breaches the roadside ditches and flows between homes towards the alley causing damage to private property. Upgrades will keep the stormwater runoff in the right-of-way and convey to existing storm system.
2. 3208, 3204, 3200 Garland Ave – install approximately 250 LF curb and gutter and new driveway entrances along the south side of the roadway. During moderate to severe storm events, stormwater runs uncontrolled towards 3204 and 3200 Garland Ave causing damage to private property. The curb and gutter would divert runoff towards the stream valley/outfall at end of street and keeping runoff in the right-of-way.

We can likely deliver two of these improvements. Each project should be in the \$55,000 range based on current construction prices and recent bid history. The projects with greatest need are both in Ward 6. If the desire is to fund one in each ward, I would recommend Carolina Ave in Ward 2 and Maple St in Ward 6. If you have any questions please let me know.

Thank you,

Austin Anderson
City Engineer
224 N. Main Street, Suite 310
Hopewell, Virginia 23860
P: (804) 541-2379
C: (804) 638-3319

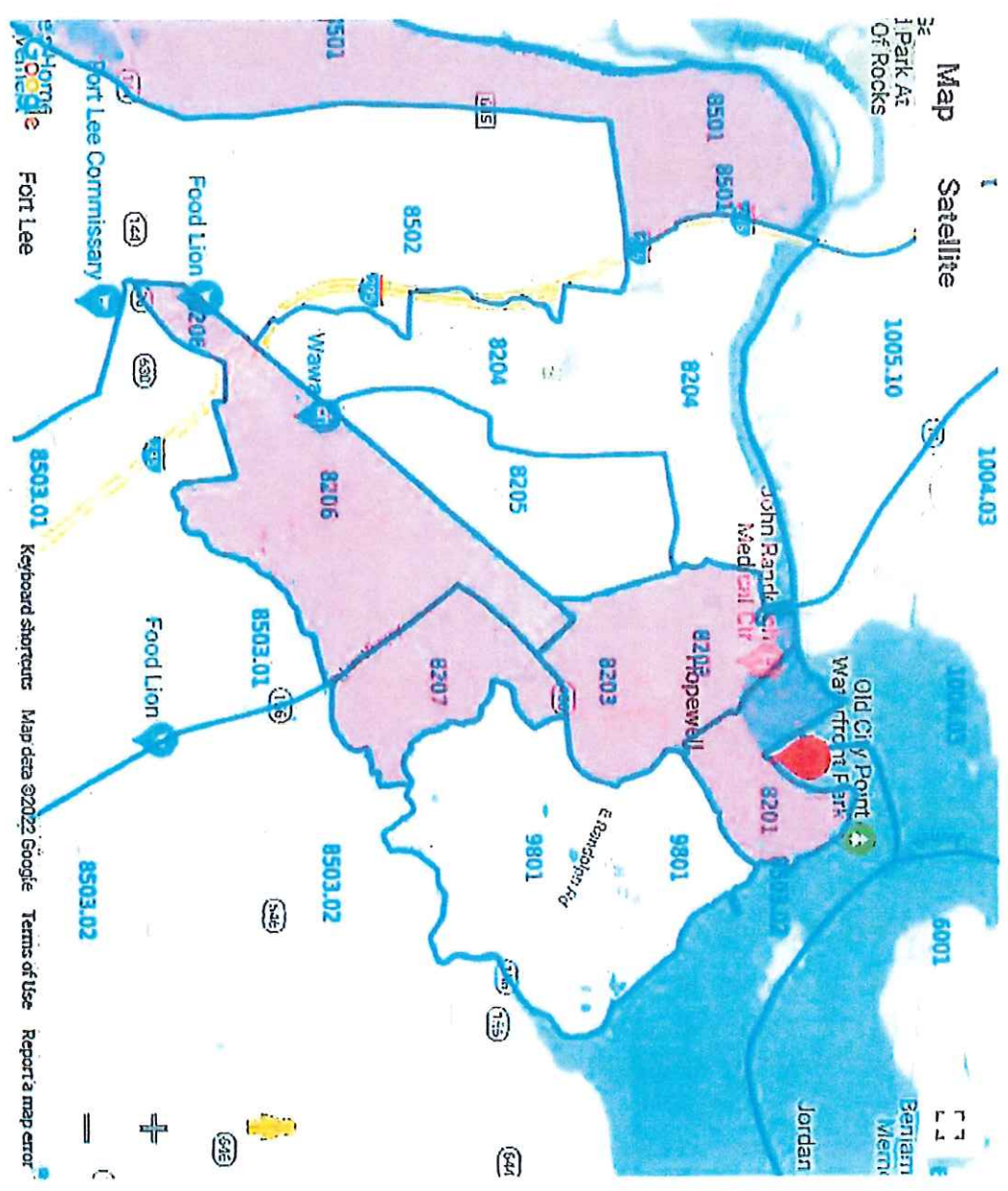
From: Tevya Griffin <Tgriffin@hopewellva.gov>
Sent: Wednesday, April 20, 2022 7:23 PM





The 2023 Qualified Census Tracts (QCTs) and Difficult Development Areas (DDAs) are effective January 1, 2023. The 2023 designations use population and tract boundaries from the 2020 Decennial census. The designation methodology is explained in the Federal Register notice published October 24, 2022.

- Map Options**
- Current Zoom Level
 - Show Difficult Development Areas (Zoom 7+)
 - Color QCT Qualified Tracts (Zoom 7+)
 - Show Tracts Outline (Zoom 11+)
 - Show PAR Outlines (Zoom 4+)
 - Show LIHTC Projects (Zoom 11+)
- [Click here for full screen map](#)
- Select Year**
- 2023
 - 2022



REGULAR MEETING

CONSENT AGENDA

C-1

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD FEBRUARY 28, 2023

A regular council meeting of the Hopewell City Council was convened on Tuesday, February 28, 2023, in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: John B. Partin, Jr., Mayor, Ward 3
Jasmine E. Gore, Vice Mayor, Ward 4
Rita Joyner, Councilor, Ward 1
Michael Harris, Councilor, Ward 2
Janice B. Denton, Councilor, Ward 5
Dominic Holloway, Councilor, Ward 7

Dr. Concetta Manker, Interim City Manager
Danielle Smith, City Attorney
Alyson Reyna, City Clerk Pro Tem

ABSENT: Brenda S. Pelham, Councilor, Ward 6

ROLL CALL

Mayor Partin opened the meeting. Roll call was taken, as follows:

Mayor Partin	-	present
Councilor Joyner	-	present
Councilor Harris	-	present
Councilor Denton	-	present

Quorum established

Interim City Manager, Concetta Manker called Councilor Pelham via telephone. A motion to allow Councilor Pelham to attend telephonically was made by Councilor Joyner, seconded by Councilor Harris.

Roll call: Councilor Joyner - yes
Councilor Harris - yes
Mayor Partin - yes
Councilor Denton - yes

Motion passed 4-0

Councilor Denton moved to go into Closed Session pursuant to Va. Code Section § 2.2-3711 (A) to discuss and consider business contracts and personnel matters, including board and commission appointments; the assignment and performance of specific appointee and employees of City Council; and to the extent of such discussion will be aided thereby, (A)(4) for the protection of the privacy of individuals personal matters not related to public business. The motion was seconded by Councilor Joyner.

Roll call: Councilor Joyner - yes
Councilor Harris - yes
Mayor Partin - yes

Councilor Denton - yes

Motion passed 4-0

RECONVENE OPEN MEETING

Councilor Joyner moved for Council to come out of Closed Session, seconded by Councilor Holloway. Councilor Pelham had exited the call after Closed Session.

Roll call:

Councilor Joyner	-	yes
Councilor Harris	-	yes
Mayor Partin	-	yes
Vice Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Holloway	-	yes

Motion passed 6-0

Councilor Holloway moved to appoint to the following boards, commissions, and committees that required Council appointees, and the following citizen appointments:

Councilor Harris and Councilor Joyner to the Ashford Civic Plaza Commission
Councilor Pelham to the Community Policy and Management Team
Councilor Harris and Councilor Holloway to the Crater Planning District Commission
Councilor Harris and Councilor Joyner to the Ethics Committee
Councilor Joyner and Councilor Holloway to the Historic Preservation Committee
Mayor Partin to the Hopewell Water Renewal Commission
Councilor Harris to the Law Library Committee
Vice Mayor Gore and Councilor Joyner to the Legislative Committee
Mayor Partin to the Metropolitan Planning Commission
Councilor Joyner and Councilor Denton to the Joint School Facilities Committee
Councilor Joyner and Councilor Holloway to the Joint School Board Working Committee
Vice Mayor Gore to the Technology Fund Committee
Vice Mayor Gore to the Virginia First Cities Coalition
Vice Mayor Gore to the Crater Workforce Development Commission
Councilor Joyner as the Chamber of Commerce Liaison
Mayor Partin to the Investment Policy Committee
Vice Mayor Gore to the Telecommunications Regulations Committee
Councilor Joyner to the Virginia Gateway Region
Councilor Joyner to the National Park Service Waterfront Committee
Councilor Joyner and Councilor Holloway to the Operation Ceasefire/GVI Committee
Councilor Denton and Councilor Pelham to the Hopewell/Prince George Healthy Families
Patience Bennett to the Recreation Commission
Rubin Peacock to the Architectural Review Board
Dorothy Gerard to the Community Policy and Management Team

Vice Mayor Gore seconded the motion.

Roll call:

Councilor Joyner	-	yes
Councilor Harris	-	yes

Mayor Partin	-	yes
Vice Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Holloway	-	yes

Motion passed 6-0

REGULAR MEETING

Roll call:	Councilor Joyner	-	present
	Councilor Harris	-	present
	Mayor Partin	-	present
	Vice Mayor Gore	-	present
	Councilor Denton	-	present
	Councilor Holloway	-	present

Motion passed 6-0

Prayer was led by Reverend Danny Tucker, and the Pledge of Allegiance was led by Councilor Harris.

AMEND/ADOPT AGENDA

Councilor Holloway motioned to amend the agenda to include R-3: Change the start time of Closed Session to begin at 6:00 PM. Councilor Joyner seconded the motion.

Roll call:	Councilor Joyner	-	yes
	Councilor Harris	-	yes
	Mayor Partin	-	yes
	Vice Mayor Gore	-	yes
	Councilor Denton	-	yes
	Councilor Holloway	-	yes

Motion passed 6-0

AMEND/ADOPT CONSENT AGENDA

Councilor Denton moved to adopt the consent agenda. The motion was seconded by Councilor Joyner.

Roll call:	Councilor Joyner	-	yes
	Councilor Harris	-	yes
	Mayor Partin	-	yes
	Vice Mayor Gore	-	yes
	Councilor Denton	-	yes
	Councilor Holloway	-	yes

Motion passed 6-0

PUBLIC HEARINGS

PH-1 Chris Ward presented a public hearing for the Zoning Amendment Request in the B-1 Zoning District. He explained that per state requirements, ads were aired and neighboring businesses were notified of the Public Hearing that night. The applicants, Elizabeth Spence and Kayla Walker, were present. They spoke about their research into similar localities’ zoning requirements for overnight boarding. Ms. Spence noted the ways in which the noise and odor would be mitigated. Mayor Partin then opened the floor for the Public Hearing.

Andre Post, Ward 2, stated that he was speaking on behalf of expansion of B1 (zone). He noted that he was a veteran, and stated that Hopewell had the largest population of veterans in the Tri-Cities area. He noted that active duty members often need pet care during field training, and often active duty members will travel to board their pets. He said he felt it would be a service to Fort Lee military personnel to have a pet boarding facility so close.

Elliot Elaides, Ward 3, stated he was excited about the expansion of Downtown Pups, LLC. He stated that as a former member of the Planning Commission, he felt it was in line with the Comprehensive Plan for the expansion of Downtown Hopewell, and would improve the offerings there.

Councilor Denton motioned to approve the Planning Commission’s recommendation to add “Pet Shop,” with incidental Boarding Kennel, with Conditional Use Permit. Councilor Holloway seconded the motion.

Roll call:	Councilor Joyner	-	yes
	Councilor Harris	-	yes
	Mayor Partin	-	yes
	Vice Mayor Gore	-	yes
	Councilor Denton	-	yes
	Councilor Holloway	-	yes

Motion passed 6-0

COMMUNICATION FROM CITIZENS

Steve Romano, Ward 3, said he was a Hopewell resident for over 50 years. He noted that overall, Council should seek to please the Public. He asked City Council about the cost of the bike lanes from the City’s portion of the federal grant. He suggested that, as the lines were drawn on Broadway Avenue, nobody would be parking three (3) feet from the curb. Mr. Romano asked Mayor Partin what the citizens paid for the bike lanes. City Engineer, Maurice Wilkins, answered from the pews that the City of Hopewell only paid 20% of the total amount of \$407,000, totaling \$81,400.

Susan Daye, Ward 5, stated that she concurred with the previous gentleman, and asked if there was a plan for fixing the present bike lanes. City Engineer, Maurice Wilkins, stated that the plans were drafted by the engineering firm Kimley-Horn engineer, David Capparuccini. Mr. Wilkins noted that Mr. Capparuccini constructed the bike lanes in accordance with the National Association of Transportation Officials, so that the plans and bike lanes met national standards.

Larry Searce, Ward 3, spoke about raises for the police department. He noted that officers did not get a cost-of-living raise, and stated that the staffing problems in the Hopewell Police Department are as a result of low pay.

UNFINISHED BUSINESS

UB-1 Interim City Manager, Dr. Concetta Manker was tasked by City Council to explore options to provide citizens with Ring doorbell cameras to assist police investigations. Dr. Manker noted the three options she had researched and the potential cost of each. Two of the options would require a Wi-Fi connection but would allow investigators and police the option to view cameras real-time and aid in swift response. The third option would require manually accessing the Ring camera and would present a lower monthly maintenance cost. Dr. Manker explained that the information presented at the time did not require action at the time.

REGULAR BUSINESS

R-1 Fire Chief, Benjamin Ruppert, presented a routine grant approval for the Fire Department. He explained that the State Homeland Security Grant Program granted the City of Hopewell a 100% un-matched grant for \$115,329. Councilor Holloway motioned to appropriate \$115,329 to Hopewell Fire and EMS. Councilor Joyner properly seconded the motion.

Roll call:	Councilor Joyner	-	yes
	Councilor Harris	-	yes
	Mayor Partin	-	yes
	Vice Mayor Gore	-	yes
	Councilor Denton	-	yes
	Councilor Holloway	-	yes

Motion passed 6-0

R-2 Kimberly Parson, Administrative Support Manager for Hopewell Police Department, presented to City Council the continuation grant for the School Resource Officer position at Carter G. Woodson High School. She asked Council for permission to apply for the grant, and noted that for this fiscal year there would be a required 20% match. The total amount for salary and benefits only would be \$98,546 for the SRO, meaning the grant funding would cover \$78,620 and the cash match would be \$19,926.

Vice Mayor Gore moved to apply for the \$78,620 School Resource Officer Grant fund and take the matching funds in the amount of \$19,926 from salary savings. Councilor Holloway seconded the motion.

In discussion, Councilor Denton asked if the schools participated in the grant match funds, or if the money strictly came from the City of Hopewell. Ms. Parson answered that the city was responsible for the funds. Councilor Denton expressed that she had read from the agenda packet that the school was taking part in the grant. Ms. Parson explained that the grant allowed law enforcement to apply for a School Resource Officer, and allowed schools to apply for School Security Officers. She noted that on the police side, the SRO's were certified law enforcement officers. The School Security Officers did not have to be certified law enforcement officers. Ms. Parson explained that should duty outside of the school call for an

officer that the SRO may leave the school as a certified officer, whereas the School Security Officer would not answer in the same way.

Roll call:

Councilor Joyner	-	yes
Councilor Harris	-	yes
Mayor Partin	-	yes
Vice Mayor Gore	-	yes
Councilor Denton	-	no
Councilor Holloway	-	yes

Motion passed 5-1

R-3 Councilor Holloway moved to change the Closed Session start time from 6:30 PM to 6:00 PM. Councilor Joyner properly seconded the motion.

Roll call:

Councilor Joyner	-	yes
Councilor Harris	-	yes
Mayor Partin	-	yes
Vice Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Holloway	-	yes

Motion passed 6-0

Motion to adjourn made by Councilor Holloway.

Aye – 6
No – 0

The meeting was adjourned.

Mayor Johnny Partin

Alyson Reyna, City Clerk Pro Tem

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD MARCH 14, 2023

A regular council meeting of the Hopewell City Council was convened on Tuesday, March 14, 2023, in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: John B. Partin, Jr., Mayor, Ward 3
Jasmine E. Gore, Vice Mayor, Ward 4
Rita Joyner, Councilor, Ward 1
Michael Harris, Councilor, Ward 2
Janice B. Denton, Councilor, Ward 5
Brenda S. Pelham, Councilor, Ward 6
Dominic Holloway, Councilor, Ward 7

Dr. Concetta Manker, Interim City Manager
Danielle Smith, City Attorney
Alyson Reyna, City Clerk Pro Tem

ROLL CALL

Mayor Partin opened the meeting. Roll call was taken, as follows:

Mayor Partin	-	present
Councilor Joyner	-	present
Councilor Harris	-	present
Councilor Denton	-	present

Quorum established

CLOSED SESSION

Councilor Joyner moved to go into Closed Session pursuant to Va. Code Section § 2.2-3711 (A) consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel and to the extent of such discussion will be aided thereby, (A)(7) for the protection of the privacy of individuals personal matters not related to public business. Councilor Harris seconded the motion.

Roll call: Councilor Joyner - yes
Councilor Harris - yes
Mayor Partin - yes
Councilor Denton - yes

Motion passed 4-0

During Closed Session, Councilor Holloway, Councilor Pelham, and Vice Mayor Gore arrived at the Council meeting.

RECONVENE OPEN MEETING

Councilor Holloway moved for Council to come out of Closed Session. Councilor Harris seconded the motion.

Roll call:	Councilor Joyner	-	yes
	Councilor Harris	-	yes
	Mayor Partin	-	yes
	Vice Mayor Gore	-	yes
	Councilor Denton	-	yes
	Councilor Pelham	-	yes
	Councilor Holloway	-	yes

Motion passed 7-0

CERTIFICATION

CERTIFICATION PURSUANT TO VIRGINIA CODE § 2.2-3712 (D): Were only public business matters (1) lawfully exempted from open-meeting requirements and (2) identified in the closed-meeting motion discussed in closed meeting?

Roll call:	Councilor Joyner	-	yes
	Councilor Harris	-	yes
	Mayor Partin	-	yes
	Vice Mayor Gore	-	yes
	Councilor Denton	-	yes
	Councilor Pelham	-	yes
	Councilor Holloway	-	yes

Motion passed 7-0

REGULAR MEETING

Roll call:	Councilor Joyner	-	present
	Councilor Harris	-	present
	Mayor Partin	-	present
	Vice Mayor Gore	-	present
	Councilor Denton	-	present
	Councilor Pelham	-	present
	Councilor Holloway	-	present

Prayer was led by Reverend Danny Tucker, and the Pledge of Allegiance was led by Mayor Partin.

AMEND/ADOPT AGENDA

Councilor Holloway moved to adopt the regular meeting agenda. Councilor Joyner seconded the motion.

Roll call:

Councilor Joyner	-	yes
Councilor Harris	-	yes
Mayor Partin	-	yes
Vice Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	
Councilor Holloway	-	yes

Motion passed 6-0

AMEND/ADOPT CONSENT AGENDA

Councilor Holloway moved to adopt the consent agenda. The motion was seconded by Councilor Joyner.

Roll call:

Councilor Joyner	-	yes
Councilor Harris	-	yes
Mayor Partin	-	yes
Vice Mayor Gore	-	no
Councilor Denton	-	yes
Councilor Pelham	-	
Councilor Holloway	-	yes

Motion passed 5-1

INFORMATION/PRESENTATIONS

Finance Report – Michael Terry, Director of Finance, delivered the financial report to City Council. He detailed that the audit team had faced delays due to COVID-19, lack of total implementation of MUNIS, and policy changes. Mr. Terry thanked Council for the aid to hire assistance to the audit team. Mr. Terry noted that the City of Hopewell was in compliance with DEQ regarding the landfill. He thanked the City Manager for her help with keeping timelines for the budget cycle on track.

Councilor Joyner asked Mr. Terry about delays with post-implementation system issues. She noted that this was due to a lack of staffing, despite having jobs posted. Councilor Joyner suggested that lack of staffing for the audit teams to be considered as one of the reasons for delays in the completion of the audits.

Vice Mayor Gore asked about an item in section 2 of Mr. Terry’s report, regarding vendors not being paid via electronic fund transfers (EFTs). Mr. Terry explained this was due to software and/or user error. He noted that the online payments were a service to vendors and supportive to staff.

Police Report – Major Donald Reid, Interim Chief of Police, gave the crime summary report. He noted a reduction of major crime of 5% year-to-date. Major Reid also noted the number of drug overdoses and explained that number was consistent with the previous 5 years. He highlighted success that led to an arrest on March 6, 2023. Law enforcement officer presence with the assistance of the Virginia State Police led to a noticeable reduction in weekend crime.

Councilor Harris asked if Hopewell Police Department had been in contact with the management from Summit Apartments. Major Reid stated that an off-duty officer was set to be stationed at the complex per management request. Councilor Harris asked if it was going to be communicated to residents that police presence was in the complex area; Major Reid stated that it could be made publicly aware for the residents through the apartment complex management.

Vice Mayor Gore stated that she was happy to see the opioid overdoses reported out, but was still seeking numbers regarding shots fired. She noted she wanted to see this data entered into a software to generate a heat-map of shots fired. Major Reid noted that something along that request could be featured in future crime summary report-outs. Vice Mayor Gore stated she was working with Chris Ward, Director of Planning and Development, to compare the locations of shots fired with nuisance properties.

Councilor Pelham asked if the increased police presence over the weekend had helped with the reduction of crime, and asked whether the LED lights made a difference. Major Reid stated that the police presence had helped, but noted that he did not notice any difference in lighting according to his personal discretion.

Councilor Holloway asked if the newly implemented technologies had aided in criminal apprehension. Major Reid said yes, there were three confirmed arrests as a direct result. He expressed that he was looking forward to the increase of cameras in high crime areas.

Mayor Partin asked if there was additional assistance that City Council could provide to Hopewell Police Department at this time. Major Reid suggested waiting for implementation of other technologies at that moment, stating that it was a learning period to see what works best and to be fiscally responsible. Major Reid stated more personnel may be needed to cover the new technologies, but that more time was needed to establish that need.

Councilor Denton expressed that she was disturbed by the number of opioid overdoses year-to-date. Major Reid noted that these numbers were on par with last year, citing the unfortunate nature of the opioid crisis. Both agreed the subject was bothersome.

Mayor Partin thanked Major Reid for his time.

Engineering Project Overview – Maurice Wilkins, City Engineer, presented to City Council an overview of projects in the Department of Engineering. He reviewed the public forum held on March 13, 2023 regarding the new bike lanes within the city and noted that some changes may be made moving forward. After Mr. Wilkins overviewed a few projects, Vice Mayor Gore asked if Mr. Wilkins could report out any projects that may still require funding rather than going by each line item. Mr. Wilkins explained that most of the projects had already received funding. Councilor Pelham asked about the Cattail Creek Drainage Crossing project funding. Mr. Wilkins noted that 25% of the cost would need to be furnished by the City of Hopewell.

Councilor Holloway asked why Moultrie Avenue was 80% funded by the City of Hopewell. Mr. Wilkins noted that the project was implemented before his time. Mayor Partin explained the previous engineer saved monies for a few fiscal years to furnish the funding for the project.

Councilor Pelham asked about the locations of the new LED lights. Mr. Wilkins stated the first area they were implemented was in the Five Forks area, but noted the first iteration of lights were not bright enough. He retracted the work requests from Dominion Energy for more of the 3,000 Kelvin lights, and requested 4,000 Kelvin lights.

Vice Mayor Gore asked why the 3,000 Kelvin lights in the areas noted to not be bright enough weren't the first to be replaced. Mr. Wilkins explained that due to Dominion Energy back-logs and budget constraints, the 3,000 Kelvin lights in the high crime areas would remain until replacements were available.

Mayor Partin thanked Mr. Wilkins for his time and presentation.

REGULAR BUSINESS

R-1 – Major Donald Reid requested that City Council allow Hopewell Police Department to apply for DCJS ARPA grant, requiring no monetary match, in the amount of \$633,000. The application was due by March 24, 2023. Councilor Denton moved to allow Hopewell PD to apply for the DCJS ARPA grant, with no matching funds. Vice Mayor Gore seconded the motion.

Roll call:	Councilor Joyner	-	yes
	Councilor Harris	-	yes
	Mayor Partin	-	yes
	Vice Mayor Gore	-	yes
	Councilor Denton	-	yes
	Councilor Pelham	-	yes
	Councilor Holloway	-	yes

Motion passed 7-0

CLOSING COMMENTS

Councilor Holloway thanked citizens both present and watching virtually, and noted that Council meetings are open to the public. He explained that social media can breed misinformation, and to see the meetings for oneself to get the correct information. Councilor Holloway also noted that the bike lanes were voted on in 2018 by a different City Council, including sending out a survey to citizens at the time.

Councilor Pelham suggested that citizens interested in receiving notifications regarding city happenings, meetings, and information reach out to the City Clerk's office to be added to the FOIA list. She also thanked the school system for their annual Fine Arts festival.

Councilor Denton agreed with Councilor Holloway about the new bike lanes, and stated that she was being emailed, called, and addressed by citizens out in public. She reviewed the meeting held March 13, 2023 regarding the bike lanes held by the City Manager and City Engineer, and explained that only nine (9) citizens came to the meeting. She explained that some progress was made, and hoped to see improvement with the project.

Councilor Joyner thanked Maurice Wilkins and the VDOT engineer that was present at the meeting regarding bike lanes, but did note that there may have been flaws in the design of the bike lanes. She said the City Manager would be working with Mr. Wilkins to implement changes on the project. Councilor

Joyner expressed that often City Council was working on things behind the scenes, and explained that currently she and the City Manager were looking at ordinances to improve neighborhoods in Hopewell. She encouraged citizens to join Neighborhood Watch, and to look into Boards and Commissions to help improve the community.

Councilor Harris stated that his personal cell phone number was on his business card, so that any persons looking to speak to him would be able to reach him no matter what.

Vice Mayor Gore noted the Crater Workforce office moved across the street from the Home Base Federal Credit Union, and mentioned that Crater Workforce was open to Hopewell residents for career coaching, GEDs, and other services. She noted that March would be the last month she would be Chairman of the LGAC board for the state of Virginia, and explained that there would be more environmental support for the Chesapeake Bay and green workforce initiatives to come. Vice Mayor Gore thanked Council for the continued support of OneHopewell, and named some of the services and partners to be rolled out in the community resource center. She additionally thanked Councilor Joyner for mentioning the ordinances regarding nuisance properties.

Mayor Partin thanked Hopewell PD, Sherriff, and state and regional partners. He expressed excitement regarding the technology updates and the grant for school resource officer, and offered any additional help our local law enforcement officers may need.

ADJOURN

Councilor Holloway motioned to adjourn the meeting.

AYE – 7
NO – 0

The meeting was adjourned.

Mayor Johnny Partin

Alyson Reyna, City Clerk Pro Tem

C-5

**Real Estate Tax
Rate Hearing –
04/18/2023**

**Hopewell Public
School FY24
Budget and City
of Hopewell
FY24 Budget**

–

04/25/2023

REGULAR BUSINESS

R-1



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE:

Sewer Use Ordinance Update

ISSUE: Updates to the sewer use ordinance as required by the DEQ.

RECOMMENDATION: Approve the updates to the ordinance.

TIMING:

BACKGROUND: Hopewell Water Renewal was tasked with the responsibility to update the City's Sewer Use Ordinance in order to make it compliant with DEQ requirements. Dickie Thompson, Assistant Director; Christina Wilkerson and the City Attorney worked together to update the ordinance. The updates have been approved by the DEQ and now Hopewell Water Renewal is seeking approval from City Council.

ENCLOSED DOCUMENTS: proposed ordinance

STAFF:

Jerry Byerly, Director of Hopewell Water Renewal
Dickie Thompson, Assistant Director – Hopewell Water Renewal
Christina Wilkerson, Environmental Compliance Coordinator, Hopewell Water Renewal
Danielle Ferguson-Smith, City Attorney

FOR IN MEETING USE ONLY

MOTION: Approve changes to the City's Sewer Use Ordinance which brings the ordinance into compliance with the DEQ requirements.

SUMMARY:

- | Y | N | | Y | N | |
|--------------------------|--------------------------|-----------------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Rita Joyner, Ward #1 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Michael Harris, Ward #2 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor John B. Partin, Ward #3 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Dominic Holloway, Ward #7 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Jasmine Gore, Ward #4 | | | |



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE
4949-A Cox Road, Glen Allen, Virginia 23060
(804) 527-5020 FAX (804) 698-4178

www.deq.virginia.gov

Travis A. Voyles
Acting Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

Jerome A. Brooks
Regional Director

March 1, 2023

Mr. Jerry Byerly
Director
Hopewell Water Renewal
231 Hummel Ross Road
Hopewell, VA 23860

Sent via Email to: jbyerly@hopewellva.gov

Re: VPDES Permit No. VA0066630
Sewer Use Ordinance

Dear Mr. Byerly:

DEQ has performed a cursory review of the proposed changes to the City of Hopewell Sewer Use Ordinance provided to DEQ on January 20, 2023. The changes to Chapter 31, Sewers and Sewage Disposal, include incorporation of the temperature variance approved by DEQ on December 22, 2022 and other revisions which address recommendations from the 2022 EPA audit.

We offer no objection to the proposed revisions to the Sewer Use Ordinance.

Please contact your permit writer, Jeanne Puricelli, at 804-720-3682 or jeanne.puricelli@deq.virginia.gov if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads 'Azra Bilalagic'.

Azra Bilalagic
Water Permitting and Planning Manager

Cc: Deborah DeBiasi, DEQ: Deborah.debiasi@deq.virginia.gov
Dickie Thompson, HWR: rthompson@hopewellva.gov
Christina Wilkerson, HWR: cwilkerson@hopewellva.gov

Chapter 31 SEWERS AND SEWAGE DISPOSAL¹

ARTICLE I. IN GENERAL²

Sec. 31-1. Purpose and intent of chapter.

- (a) *Purpose.* This chapter sets forth policies for the administration and operation of the Hopewell Regional Wastewater Treatment Facility to assure that the facilities are used in the common interest of the public. Uniform requirements are established herein for direct and indirect dischargers of pollutants from nondomestic sources into the publicly owned treatment works for the City of Hopewell to enable the city to comply with all applicable state and federal laws and regulations, including the Clean Water Act (33 U.S.C. Section 1251 et seq.), the federal General Pretreatment Regulations (40 CFR Part 403), the State Water Control Law (Code of Virginia, § 62.1-44.2 et seq.), and the Virginia Pretreatment Program regulations (9VAC25-31-730-900). The federal General Pretreatment Regulations (40 CFR Part 403) and the Virginia Pretreatment Program regulations (9VAC25-31-730-900) are incorporated herein by reference.
- (b) *The objectives of this chapter are.*
- (1) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;
 - (2) To prevent the introduction of pollutants into the publicly owned treatment works that will pass-through the system, inadequately treated, into receiving waters or the atmosphere, or otherwise be incompatible with the system;
 - (3) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level that allows it to be disposed of in accordance with the management plan adopted by the facility;
 - (4) To protect both municipal personnel who may come in contact with wastewaters, sludge, and the treated effluents in the course of their employment, and the general public;
 - (5) To preserve the hydraulic capacity of the publicly owned treatment works;
 - (6) To improve the opportunity to recycle and reclaim wastewater and sludge from the system;

¹Editor's note(s)—Ord. No. 2008-18, adopted Oct. 14, 2008, amended Ch. 31 in its entirety to read as herein set out. Former Ch. 31, §§ 31-1—31-136, pertained to sewers and sewage disposal. See the Code Comparative Table for complete derivation.

State law reference(s)—Power of council to construct sewers and drains, Code of Virginia, § 15.2-2122; long-range plan for on-site sewage, Code of Virginia, § 32.1-163; waterworks regulations, 12 VACS 5-590-10 et seq.; small municipal separate storm sewer systems, 9 VACS 25-870-400; sewage collection and treatment regulations, 9 VACS 25-790-10 et seq.

²Editor's note(s)—Ord. No. 2012-08, adopted September 12, 2012, amended article I, in its entirety to read as herein set out. Former article I, §§ 31-1—31-13, pertained to similar material, and derived from Ord. No. 2008-18, adopted October 14, 2008 and Ord. No. 2009-06, adopted June 9, 2009.

- (7) To provide for equitable distribution of the costs of operation, maintenance, and improvement of the publicly owned treatment works; and
 - (8) To ensure that the City of Hopewell complies with its Virginia Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal, state or local laws and regulations to which the publicly owned treatment works is subject.
- (c) *Applicability.* This chapter shall apply to all direct and indirect users of the publicly owned treatment works, including users located outside of the city limits of the City of Hopewell who use the publicly owned treatment works by contract with the city. By discharging wastewater into the publicly owned treatment works, users located outside the city limits are required to comply with the terms and conditions established in this chapter, as well as any permits or orders issued hereunder.

(Ord. No. 2012-08 , 9-12-12)

Sec. 31-2. Definitions.

- (a) *Language.* This chapter is gender neutral, and the masculine gender shall include the feminine and vice versa. "Shall" is mandatory; "may" is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.
- (b) *Abbreviations.* The following abbreviations shall have the designated meanings throughout this chapter:

BOD	Biochemical oxygen demand
BMP	Best management practice
BMR	Baseline monitoring report
CFR	Code of Federal Regulations
CIU	Categorical industrial user
COD	Chemical oxygen demand
DEQ	Virginia Department of Environmental Quality
EPA	U.S. Environmental Protection Agency
gpd	Gallons per day
HRWTF	Hopewell Regional Wastewater Treatment Facility
IU	Industrial user
LC	Lethal concentration for fifty (50) percent of the test organisms
mg/l	Milligrams per liter
NAICS	North American Industry Classification System
NPDES	National Pollutant Discharge Elimination System
NSCIU	Nonsignificant categorical industrial user
O & M	Operation and maintenance
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIU	Significant industrial user
SNC	Significant noncompliance
SIC	Standard industrial classification
SWDA	Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
TSS	Total suspended solids
USC	United States Code
VPDES	Virginia Pollutant Discharge Elimination System
VAC	Virginia Administrative Code

(c) *Definitions.* Unless the context specifically indicates otherwise, the following words, terms or phrases used in this chapter shall have the meanings ascribed to them in this section:

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

Approval authority shall mean the Virginia Department of Environmental Quality.

Authorized representative of the user:

- (1) If the user is a corporation, authorized representative of the user shall mean:
 - 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 (1) or more manufacturing, production, or operation facilities who is authorized in accordance with corporate procedures to sign documents and make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations and ensuring that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements.
- (2) If the user is a partnership, association, or sole proprietorship, an authorized representative of the user shall mean a general partner or the proprietor, respectively.
- (3) If the user is a federal, state or local government, or an agent thereof, an authorized representative of the user shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in subsections (1) through (3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the authorization is submitted to the city.

Best management practices (BMPs) shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 31-56 of this chapter 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.

Biochemical oxygen demand (BOD) shall mean the laboratory determination of the quantity of oxygen by weight, expressed as a concentration in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory conditions of incubation for five (5) days at a temperature of twenty (20) degrees centigrade.

Building drain shall mean that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys such drainage to the building sewer.

Building drainage system shall mean that part of the plumbing system which receives, conveys, and removes liquid and water-carried wastes to a building drain.

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

Categorical pretreatment standard shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. Section 1317), which apply to a specific category of users and which appear in 40 C.F.R. Chapter I, Subchapter N, Parts 405 to 471, incorporated herein by reference. This definition also shall include any additional or more stringent pretreatment standard promulgated by the Virginia Department of Environmental Quality in accordance with the State Water Control Law (Code of Virginia, § 62.1-44.2 et seq.), which appear in the State Pretreatment Program regulations (9VAC25-31-730-900).

Categorical industrial user shall mean an industrial user subject to a categorical pretreatment standard or categorical standard.

City shall mean the City of Hopewell, Virginia or the City Council of Hopewell, Virginia.

City manager shall mean the city manager or his designee.

Cleanouts shall mean access portals allowing entry to the sanitary sewer service lateral. Cleanouts are generally placed at the building face, property line, and changes in direction.

Color shall mean the optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred (100) percent transmittance is equivalent to zero (0.0) optical density.

Combined sewer shall mean a sewer receiving combined waste.

Combined waste shall mean wastewater containing surface or stormwater and sewage.

Combined wastestream formula shall mean the formula as found in 40 CFR section 403.6(e)(1)(i), as incorporated by 9VAC25-31-780, and applied in accordance with guidance provided by the EPA and DEQ.

Commercial customer shall mean a single unit business served by a water meter and commercial sewer service is any customer with a commercial water meter, discharging domestic strength wastewater from that business. Typical commercial strength wastewater is defined as wastewater having a biochemical oxygen demand (BOD) of two hundred fifty (250) mg/L or less with no excessive concentrations of unwanted chemicals or metals.

Compatible pollutant shall mean wastewater constituents which the treatment plant is designed to treat, and wastewater substances which will not inhibit the wastewater treatment processes employed nor be detrimental to the receiving stream.

Composite sample shall mean a combination of individual samples of water or wastewater taken in proportion to flow or time which ensures that a representative sample is obtained during a given time interval.

Constituent shall mean any analytically defined parameter.

Contributory area shall mean an area from which the sewage flow is transported to the treatment plant by a common intercepting sewer.

Control point shall mean a point of access to a course of discharge before the discharge mixes in the POTW.

Cooling water shall mean once through, noncontact water used for cooling and discharged from any system of condensation, air conditioning, cooling, refrigeration or other sources or to which the only pollutant added is heat.

Control authority shall mean the Hopewell Regional Wastewater Treatment Facility.

Daily maximum shall mean the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily maximum limit shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge

is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Department shall mean the Virginia Department of Environmental Quality.

Director shall mean the director of the Hopewell Regional Wastewater Treatment Facility or his designee.

Discharge or indirect discharge shall mean the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the act and Article 4 of the State Water Control Law (Code of Virginia, § 62.1-44.2 et seq.).

Domestic users shall mean persons causing or allowing the contribution of only sewage to the POTW.

Effluent shall mean wastewater flowing out of any facility.

Environmental Protection Agency (EPA) shall mean the U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the director of EPA's Regional Water Management Division, Regional Administrator, or other duly authorized official of EPA.

Existing source shall mean any source that is not a new source.

Garbage shall mean animal and vegetable wastes from the preparation, cooking and disposing of food, and from the handling, processing, storage and sale of food products and produce.

Grab sample shall mean a sample which is taken from a wastestream on a one-time basis with no regard to the flow in the wastestream and collected at a randomly selected time over a period not exceeding fifteen (15) minutes.

Holding tank waste shall mean any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

Incompatible pollutant shall mean any wastewater constituent or substance which is not a compatible pollutant as defined in this section.

Industrial user shall mean any person who causes or allows a discharge of industrial wastewater into the POTW.

Industrial wastewater shall mean water-carried wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources.

Industry shall mean any establishment which uses water in a product or generates wastewater during any period of production.

Influent shall mean wastewater, raw or partially treated, flowing into any wastewater treatment device or facility.

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

Intercepting sewer shall mean a sewer which receives dry weather flow from sanitary sewers or additional predetermined quantities of combined waste, and conducts such flow to a plant for treatment or disposal.

Interference shall mean a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, and therefore is a cause of a violation of any requirement of the city's VPDES permit, or prevents the use or disposal of sludge by HRWTF in accordance with any federal or state laws, regulations, or permits, or any sludge management plans.

Law shall mean the State Water Control Law, Code of Virginia, § 62.1-44.2 et seq.

Local limit shall mean specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in section 31-56 of this chapter.

Mass emission rate shall mean the weight of material discharged to the POTW during a given time interval, expressed as pounds per day of a particular constituent or combination of constituents.

Maximum permissible composite concentration shall mean the highest allowable constituent concentration as determined by laboratory testing from representative samples collected during a maximum six-hour period of normal operation.

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

Monthly average shall mean the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Monthly average limit shall mean the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Municipal customer shall mean a unit of federal, state or local government served by a water meter discharging domestic strength wastewater from that organization. Typical domestic strength wastewater is defined as wastewater having a biochemical oxygen demand (BOD) of two hundred fifty (250) mg/L or less with no excessive concentrations of unwanted chemicals or metals.

Natural outlet shall mean any outlet into a watercourse, ditch, lake, or other body of surface or groundwater.

New source shall have the following meaning:

- (1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards which will be applicable to such source if such standards are thereafter promulgated, provided that:
 - a. No other source is located at that site;
 - b. The source totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the source are substantially independent of an existing source at that site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing source, 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. and (1)c. of this definition but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction or operation of a new source as defined under this definition has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous on-site 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 that are intended to be used in its operation within a reasonable time, but not including options to purchase or contracts that can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies.

Noncontact cooling water shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Nuisance shall mean anything which is determined to be injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property, or which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Occupancy shall mean the purpose for which a building or portion thereof is utilized or occupied.

Outfall line shall mean a branch of the public sewer main line that networks public streets, alleys, and utility easements. Outfall lines connect to the sewer main system.

Overload shall mean the imposition of any constituent or hydraulic loading on a treatment facility in excess of its treatment capacity.

Pass-through shall mean a discharge which exits the POTW into waters of the United States or waters of the state in quantities or concentrations which, alone or in conjunction with an indirect discharge or discharges from other sources, is a cause of a violation of any requirement of the city's VPDES permit, including an increase in the magnitude or duration of a violation.

Permitted wastewater hauler vehicle shall mean a vehicle used for hauling wastewater, which has been granted a permit under the requirements of this chapter.

Person shall mean any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

pH shall mean a measure of the acidity or alkalinity of a substance, expressed in standard units.

Pollutant shall mean dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater, including pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, and odor.

Premises shall mean any parcel of real estate, including any improvements, upon which there is a single user for purposes of receiving, using and paying for sewer services.

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants, unless allowed by an applicable pretreatment standard or requirement.

Pretreatment requirements shall mean substantive or procedural requirements related to pretreatment imposed on an industrial user, other than a pretreatment standard.

Pretreatment standards or standards shall mean standards established by EPA, the department, or the director that control the discharge of pollutants, including prohibited discharge standards, categorical pretreatment standards, best management practices, and local limits.

Prohibited discharge standards or prohibited discharges shall mean absolute prohibitions against the discharge of certain substances that appear in section 31-56 of this chapter.

Public sewer shall mean a common sewer directly controlled by the Public Authority or local governing body.

Publicly owned treatment works (POTW) shall mean any device and system owned by the city used in the collection, conveyance, storage, treatment, recycling, and reclamation of sewage, industrial wastewater, or other waste. POTW shall include any sewers, intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances and any extensions, improvements, remodeling, additions, or alterations thereof; any elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities; any works, including land used as an integral part of the treatment process or for the ultimate disposal of residue resulting from such treatment; and any other method or system used for preventing, abating, reducing, storing, treating, separating, or disposing of sewage, industrial wastewater, or other waste, including wastewater in combined sewer water and sanitary sewer systems. For the purposes of this chapter, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

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

Regional administrator shall mean the administrator of Region III of the EPA.

Residential customer shall mean a single dwelling unit served by a water meter and discharging typical domestic strength wastewater from the dwelling. Typical domestic strength wastewater is defined as wastewater having a biochemical oxygen demand (BOD) of two hundred fifty (250) mg/L or less with no excessive concentrations of unwanted chemicals or metals.

Sanitary sewer shall mean a sewer, the specific purpose of which is to carry domestic or industrial wastewater, or a combination of both, and into which stormwater, surface water, groundwater and any unpolluted waters are not intentionally passed.

Septic tank waste shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage or domestic wastewater shall mean water-carried human wastes and gray water (household showers, dishwashing operations, etc.).

Sewer shall mean a pipe or conduit, generally closed, for carrying wastewater.

Sewer lateral shall mean a sanitary sewer service line connecting the building plumbing system to the public sewer.

Sewer main shall mean a primary section of the sanitary sewer system.

Shredded garbage shall mean garbage shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle having a dimension greater than one-half inch in any direction.

Significant industrial user (SIU) except as provided in subsections (3) and (4) of this definition, shall mean:

- (1) Industrial users subject to categorical pretreatment standards; or
- (2) Any other industrial user that:

-
- a. Discharges an average of twenty-five thousand (25,000) gpd or more of industrial wastewater into the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - b. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or
 - c. Has a reasonable potential to adversely affect the city's Sanitary sewer system.
 - d. Is designated as significant by the director on the basis that the industrial user has a reasonable potential for violating any pretreatment standard or requirement or otherwise adversely affecting the operation of the POTW (in accordance with 40 CFR Section 403.8(f)(6) and 9VAC25-31-780).
- (3) The city may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gallons per day (gpd) of categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
- a. The industrial user, prior to the city's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - b. The industrial user annually submits the certification statement required in section 31-100 of this chapter, together with any additional information necessary to support the certification statement; and
 - c. The industrial user never discharges any untreated concentrated wastewater.
- (4) Upon a finding that an industrial user meeting the criteria in subsection (2) of this part has no reasonable potential for violating any pretreatment standard or requirement or otherwise adversely affecting the operation of the POTW, the director may determine that such industrial user is not a significant industrial user (in accordance with 40 CFR Section 403.8(f)(6) and 9VAC25-31-780).

Sludge shall mean any solid, residue, and precipitate separated from or created by the unit processes of the treatment plant.

Slug load or slug discharge shall mean any pollutant, including BOD, released in a discharge at a flow rate or concentration which could cause a violation of the general or specific discharge prohibitions in section 31-56 of this chapter. A slug discharge is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the POTW's regulations, local limits or permit conditions.

Small industrial customer shall mean a single unit business served by a water meter and classified as small industrial sewer service, discharging domestic strength wastewater from that business. Typical domestic strength wastewater is defined as wastewater having a biochemical oxygen demand (BOD) of two hundred fifty (250) mg/L or less with no excessive concentrations of unwanted chemicals or metals.

Special customer class shall mean a special customer class named unit, discharging domestic strength wastewater from that class. Typical domestic strength wastewater is defined as wastewater having a biochemical oxygen demand (BOD) of two hundred fifty (250) mg/L or less with no excessive concentrations of unwanted chemicals or metals.

Standard industrial classification (SIC) code shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

Storm sewer shall mean a public sewer which carries storm and surface waters and drainage and which is not intended to receive domestic or industrial wastewater.

Stormwater shall mean precipitation that is discharged across the land surface or through conveyances to one (1) or more waterways which may include stormwater runoff, snow melt runoff, or surface runoff and drainage.

Surcharge shall mean a charge for wastewater service with a waste stream strength greater than two hundred fifty (250) mg/L BOD and/or unwanted chemicals or metals that cannot be adequately treated within permit parameters by the city's wastewater treatment plant using existing treatment processes.

Suspended solids (nonfilterable residue) shall mean the dry weight of solids, expressed as milligrams per liter, that either float on the surface of, are in suspension in, or are settleable in, water, wastewater or other liquids, and which are largely removable by a laboratory filtration device.

Toxic pollutant shall mean any agent or material including, but not limited to, those listed under section 307 of the Act, which after discharge will, on the basis of available information, cause toxicity.

Toxicity shall mean the inherent potential or capacity of a substance to cause adverse effects in a living organism, including acute or chronic effects to aquatic life, detrimental effects on human health or other adverse environmental effects.

Treatment facility shall mean an industrial user's facility for the treatment or removal of pollutants in wastewater prior to the wastewater's introduction into the POTW.

Treatment plant shall mean that portion of the POTW designed to provide treatment of sewage and industrial wastewater.

Treatment plant effluent shall mean any discharge of pollutants from the POTW into waters of the state.

Twenty-four-hour, flow proportionate composite sample shall mean a sample consisting of several effluent portions collected during a twenty-four-hour period in which the portions of sample are proportionate to the flow and combined to form a representative sample.

Unpolluted water shall mean water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the EPA or the department for disposal to storm or natural drainages or directly to surface waters.

Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with applicable categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Use Group shall mean the classification of a building or structure based on the purpose for which it is used as listed and defined in accordance with the Building Regulations Guide.

User shall mean any person who causes or permits the discharge of wastewater into the POTW, including persons who contribute such wastewater from mobile sources.

User charge shall mean a charge levied on the users of the POTW for the cost of operation and maintenance of the POTW.

Waste shall mean rejected, unutilized or superfluous substances, in liquid, gaseous or solid state, resulting from domestic and nondomestic activities.

Wastewater shall mean sewage and all liquid and water-carried wastes from residential dwellings, business buildings, institutions, industrial establishments, and other sources, whether treated or untreated, discharged into or permitted to enter the POTW.

Wastewater constituents and characteristics shall mean the chemical, physical, bacteriological, and radiological parameters including volume, flow rate, and such other parameters that serve to define, classify or measure the contents, quality, quantity, and strength of wastewater.

Wastewater discharge permit shall mean the document or documents issued to an industrial user by the city in accordance with the terms of this chapter.

Wastewater hauler shall mean any person, partnership, unit of government, or corporation engaged in transporting wastewater as a commercial venture or as a public service.

Watercourse shall mean a natural or manmade channel in which a flow of water occurs, either continuously or intermittently.

(Ord. No. 2012-08 , 9-12-12; Ord. No. 2015-9-8A , 9-8-15)

Sec. 31-3. Administration and enforcement of chapter.

This chapter authorizes the issuance of permits to certain industrial users, provides for monitoring compliance and enforcement activities, establishes administrative and judicial review procedures, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein within the City of Hopewell under the management of the city manager.

Except as otherwise provided herein, the director shall administer, implement, and enforce the provisions of this chapter in fulfillment of his fiduciary responsibility to the city manager. Any powers granted to or duties imposed upon the director may be delegated by the director to other personnel employed by the City of Hopewell with the approval of the city manager.

This ordinance is gender neutral and the masculine gender shall include the feminine and vice versa.

The word "shall" is mandatory and the word "may" is permissive or discretionary.

(Ord. No. 2012-08 , 9-12-12)

Sec. 31-4. Violations of chapter generally.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 1 misdemeanor.

(Ord. No. 2012-08 , 9-12-12)

Sec. 31-5. Appeals from decisions, actions, etc., under chapter.

- (a) Any user or permit applicant affected by any decision, action or determination made by the director, interpreting or implementing the provisions of this chapter or any permit or order issued under this chapter, may file with the city manager a written request for reconsideration within ten (10) days of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. Failure to submit a timely request for reconsideration shall be deemed to be a waiver of the administrative appeal. If the city manager fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied.
- (b) Any person aggrieved by a decision of the city manager made pursuant to this chapter shall have the right to judicial review by appeal to the circuit court of the city, such appeal to be made within thirty (30) days of the date of such decision. The decision of the director or city manager shall remain in effect during such period of reconsideration or appeal.

(Ord. No. 2012-08 , 9-12-12)

Sec. 31-6. Unlawful disposal of sewage and other wastes generally.

- (a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement or other objectionable waste.
- (b) It shall be unlawful for any person to discharge to any natural outlet or storm sewer within the city, or in any area under the jurisdiction of the city, any sewage or non-stormwater, except as authorized by section 31-142 of this chapter.

(Ord. No. 2012-08 , 9-12-12; Ord. No. 2015-9-8A , 9-8-15)

Sec. 31-7. Discharge of stormwater and other unpolluted drainage.

Stormwater shall be discharged to such sewers as are specifically designated as storm sewers.

(Ord. No. 2012-08 , 9-12-12; Ord. No. 2015-9-8A , 9-8-15)

Sec. 31-8. Mandatory sewer connections.

Except as otherwise provided in this chapter, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage. The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after the date of official notice to do so, provided that such public sewer is within two hundred (200) feet of the property line.

(Ord. No. 2012-08 , 9-12-12)

Sec. 31-9. Permit to uncover, connect to, etc., sewer.

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

(Ord. No. 2012-08 , 9-12-12)

Sec. 31-10. Reserved.

Sec. 31-10.1. Sewer extensions for subdivisions.

The extension of sanitary sewer facilities to serve new subdivisions shall be the full responsibility of the subdivider. All such facilities shall meet state and local standards and specifications and be approved by the director prior to acceptance for maintenance by the city. The city may require sewer mains larger in size than necessary to serve the proposed subdivision in order that adjacent properties may be served. In such cases, the

city will, by agreement, bear the expense of providing capacity in excess of the needs of the proposed subdivision. When so required, final plat approval shall be subject to incorporation of such larger mains.

(Ord. No. 2012-08 , 9-12-12)

Sec. 31-10.2. Sewer connection fees.

- (a) *Application for sewer service.* A property owner desiring sewer service to a parcel of land, or required to connect to the sewer system, must submit an application to the director, or his designee, along with the applicable sewer connection fee.
- (b) *Fees.*
- (1) *Connection fee.* A property owner who connects to the sewer system shall be charged a connection fee established by city council. The sewer connection fee is to recapture the capital costs for the infrastructure necessary to serve the demands of the property. The fee is based on the size of the water meter that serves the property, or if the property does not receive water service, the size of the water meter that would serve the property if it received water service. The approved fee structure shall be applied effective July 1, 2009 to all new sanitary sewer connections not previously issued a building permit.
- The owner of lot in a plated subdivision that has been approved by city council may receive a fifty (50) percent discount on the sewer connection fee established by city council by prepaying the connection fee for that lot, no later than December 31, 2009. To prepay the connection fee on the lot, the owner of the lot shall pay the current connection fee, less a fifty (50) percent discount to the code enforcement department. The prepayment of the connection fee shall be valid for a period of five (5) years, but not to be transferable to the subsequent owner of the lot.
- (2) *Engineering and inspection fees.* The property owner is required to install the sanitary sewer lateral lines necessary to connect to the sewer main line. The line installed by the property owner shall comply with latest recognized version of the International Plumbing Code. The portion of the service lateral connection in the public right-of-way must meet the specifications as determined by the city engineer. Design plans for the sanitary sewer outfall line and service lateral connection lying in the right-of-way shall be approved and permitted by the city engineer prior to the commencement of installation. Once installation is complete, code enforcement officials will inspect the line and connection. The property owner may be charged a fee for such inspection(s). City council shall adopt the inspection fees and charges.
- (c) *Property owner responsible for certain costs.*
- (1) *Cost for extending main line.* When the sewer main line is not available to the property, the property owner shall pay to the city, in advance, the full cost for extending the main line to the property.
- a. Such costs shall include any land or utility easement acquisition costs that the city may incur if the line cannot be run along a public right-of-way to the property.
- b. The cost of extending the sewer line to the property shall be set at a per linear foot as established by city council.
- c. Should the director determine that there is a need for an oversized line to be installed, or a line longer than may be necessary to serve the property, the additional costs for the augmented line size or length shall not be charged to the property owner.
- d. If the sewer main line extension work is to be done under a city issued permit and contract agreement, the property owner shall be responsible for the full cost to perform the scope of

work as shown on an approved plan. The city may require the property owner to enter into a development agreement and a surety to cover the proposed work.

- (2) Developers of new subdivisions shall install all sewer lines and facilities internal to the development in accordance with the subdivision ordinance, the design specifications as determined by the city engineer, and development agreements approved by the city engineer.
- (d) *Credit allowed for oversized or extended internal line.*
 - (1) If the city requires the property owner to install a sewer line larger than is necessary to serve the development or use proposed for the property, to run a line further, or to make any other improvements not necessitated by the development or use, the property owner shall receive a credit for such augmented costs which may be applied against the connection fee. The amount of the credit shall be the difference in costs of the sewer line proposed by the property owner and the augmented requirements imposed by the city. The director shall establish the amount of the credit based on cost estimates provided by the city engineer.
- (e) *Installment payments.* Upon written request, any property owner may enter into an agreement with the city, at the sole discretion of the city, to pay the connection fee for the property in up to twelve (12) equal monthly installments which shall include a service fee of one and one-half (1.5) percent per month.
- (f) *Exemption from connection fee.* No connection fee shall be charged for a connection where a three-quarter (¾) of an inch or smaller water meter is installed that serves any business that is located in an authorized enterprise zone as designated by the Commonwealth of Virginia if the business is connecting to the city sewer system for the first time.
- (g) *Change in use.* Should the zoning use, use group, or occupancy change to a more intensive use, or the existing use be expanded or converted to a more intensive use and new construction or reconstruction of existing structures occurs, a new connection fee shall be required.

SEWER (WASTEWATER) CONNECTION FEES

Wastewater Connection Fees by Size		
Meter Size	Equivalency Ratio*	Connection Fee
½ and ¾ inch	1.50	\$ 2,026.00
1 inch	2.50	5,065.00
1½ inch	5.00	10,130.00
2 inch	8.00	16,208.00
3 inch	16.00	32,416.00
4 inch	25.00	50,650.00
6 inch	50.00	101,300.00
8 inch	80.00	162,080.00
10 inch	115.00	232,990.00

For those connections larger than six (6) inches and/or projected average daily flows in excess of one hundred thousand (100,000) gallons per day, applications must be made directly to the HRWTF director who will evaluate the proposed connection and based on equivalency size ratios determine the cost.

WASTEWATER CONNECTION FEES BY TYPE

Allocated on Basis of Equivalent Residential Unit*		
Residential single dwelling	1	\$2,026.00
Residential duplex (per unit)	1	2,026.00
Hotel or motel (per room)	.5	1,013.00

Restaurant	3	6,078.00
Hospital (per bed)	2	4,052.00
Nursing home (per bed)	.5	1,013.00
Laundromat (per washer)	.2	405.00
Church	1	2,026.00
Theater	2	4,052.00
Service station	1	2,026.00
Service station (car wash)	2	4,052.00
Office building (per 5,000 square feet)	1	2,026.00
Jails (per bed)	.5	1,013.00

*Equivalent residential unit is a measure where one (1) unit is equivalent to wastewater effluent from one (1) home, which is two hundred fifty (250) gallons per day per home. This amount is based on most wastewater pollution textbooks estimating an average of one hundred (100) gallons per day per person and the national home average of 2.5 persons.

(Ord. No. 2012-08 , 9-12-12)

Sec. 31-10.3. Temporary reduction in sewer (wastewater) connection fee.

The sewer connection fee for residential new construction using three-quarter-inch water lines listed in the immediately preceding section is hereby temporarily reduced as follows:

- (1) From July 1, 2009 to December 31, 2013 the fee will be \$500.00 instead of two thousand twenty-six dollars (\$2,026.00).
- (2) From January 1, 2014 to December 31, 2015 the fee will be seven hundred fifty dollars (\$750.00) instead of two thousand twenty-six dollars (\$2,026.00).
- (3) From January 1, 2016 to December 31, 2017 the fee will be one thousand dollars (\$1,000.00) instead of two thousand twenty-six dollars (\$2,026.00).
- (4) Any builder who paid a sewer connection fee of two thousand twenty-six dollars (\$2,026.00) for a single-family residential property between July 1, 2009 and December 31, 2011, may file a written request with the building code official for a refund of the amount paid in excess of the temporary five hundred dollars (\$500.00) fee described in paragraph (a) above. Any request for refund must be submitted to the building code official no later than March 31, 2012.
- (5) This section shall only apply to new construction of single-family residential property.
- (6) This section shall only apply to new construction of single-family residential property.
- (7) On January 1, 2018 this section 31-10.3 shall expire.

(Ord. No. 2011-19 , 12-13-11; Ord. No. 2012-08 , 9-12-12)

Sec. 31-11. Sewer user charge and charge for industrial cost recovery.

- (a) Every person whose property is connected to and who is using the sanitary sewer facilities of the city shall pay a sewer user charge, which charge shall be either a fixed amount or shall be based on the consumption of water by such person as shown in the water bill as submitted by the water purveyor of the city; and such

charge shall be paid by the person in whose name the water bill is registered and rendered by the water purveyor, at such rates as are from time to time by resolution or ordinance set by city council.

- (b) The director shall review the wastewater sewer charges periodically to determine if they are adequate to cover the costs incurred by the city for wastewater collection and treatment. Such comparison shall be based on previous operation and maintenance costs. Should costs exceed wastewater sewer charges, the rate will be revised accordingly.
- (c) In addition to the charges as set forth hereinabove, a charge will be levied upon all industrial users for industrial cost recovery in compliance with the city's industrial cost recovery system. If any user can show that a significant portion of his metered water flow does not enter the sewerage system, he may, at his expense, install a waste flow meter, of a type approved by the director, at a point of discharge to the public sewer. The director shall check the accuracy of such meter periodically, but not less than once per year. Should the meter be found in error, a correction shall be made in all flow quantities metered since the last time the meter was checked, equal to the percentage in inaccuracy. The user shall pay or be refunded the applicable charge based on the corrected readings.
- (d) Wastewater flows entering a public sewer but not originating from the water purveyor, or which are not metered, will be estimated by the director and charged as if the flow were metered. Lump sum fees for discharge of holding tank wastes shall be established by the director and approved by city council, taking into account the strength and character of the waste.

(Ord. No. 2012-08 , 9-12-12)

Sec. 31-11.1. Reserved.

Editor's note(s)—Ord. No. 2017-0711 , adopted July 11, 2017, repealed § 31-11.1 which pertained to sewer rates based on metered water consumption and derived from Ord. No. 2012-08, adopted September 12, 2012.

Sec. 31-11.2. Fees, deposits, charges and related regulations.

- (a) *Authorization for sewer service.* City may provide sewer service to lessee or tenant without obtaining an authorization form from property owner.
- (b) *Confidentiality of utility records.* A government operated utility may not disclose personal information in a customer's account records, but city may report customer to credit bureaus for non-payment of utility bills.
- (c) *Deposit.* The city will not require any new customer to make a deposit for sewer services; so long as the bill at the current location is current to date, and all fees are paid. Any discontinuance of service may require a deposit before restoration, equal to ninety (90) days average sewer service charges.
- (d) *Illegal connection fee.* Two hundred dollars (\$200.00) plus past due monies and other charges due. If the city finds an illegal connection installed, a fine plus any past due monies and other charges due must be paid before service is restored.
- (e) *Late fee penalty.* A ten (10) percent penalty will be added to any bill not paid within thirty (30) days of the service due date.
- (f) *Request for copies.* Copies of public records are available in accordance with the Virginia Freedom of Information Act. Requests for public records should be submitted to the city attorney's office.
- (g) *Returned check fee.* A thirty-five dollar (\$35.00) service charge will be made for handling of any check returned. If returned check is not recovered within ten (10) days, water service will be discontinued.

(h) *Service charge.* A service charge of twenty-five dollars (\$25.00), or the amount charged by water purveyor (whichever is greater), to disconnect or reconnect water for sewer service will be applied each time a water disconnect is performed. Disconnect services may be performed due to delinquent account status by customer. The service charge, delinquent account balance and any penalty must be paid in full before service is restored. Payment must be made with cash, cashier's check, money order, credit card, automatic bank draft, echeck or by phone with credit card.

(Ord. No. 2012-08 , 9-12-12)

Sec. 31-11.3. Sanitary sewer system rates and fees.

The rates and charges hereby fixed and established for the city's sanitary sewer system shall be paid to the city, or city's billing agent by mail or credit card. Payments can also be paid by automatic bank draft.

Fee	Amount	Reference
Illegal Connection Fee	\$ 200.00 + past due	(Refer to section 31-11.2)
Late Fee Penalty	10% added to bills not paid within 30 days	(Refer to section 31-11.2)
Rates—Sewer		(Refer to section 31-11.1)
Request for Copies		(Refer to section 31-11.2)
Returned Check Fee	\$35.00	(Refer to section 31-11.2)
Service Charge	\$25.00 or amount charged by water purveyor for disconnect/reconnect (whichever is greater)	(Refer to section 31-11.2)

(Ord. No. 2012-08 , 9-12-12)

Sec. 31-11.4. Monthly charges for sewer services.

Monthly charges for sewer services are due and payable upon receipt of invoice. If total amount due city is not paid within thirty (30) days of the billing date; water and sewer services will be disconnected. The account is then subject to payment in full, penalty and service charge for reconnection.

(Ord. No. 2012-08 , 9-12-12)

Sec. 31-11.5. New customers.

New customers will be billed on a pro-rata basis determined by the number of days in the first billing cycle. Customer consumption will be billed for number of days in next full billing cycle and thereafter. A customer requesting final billing during a billing cycle will be prorated, based on gallon usage.

(Ord. No. 2012-08 , 9-12-12)

Sec. 31-11.6. Separate rates/free service.

The city shall allow no free service to any customers and all comparable public utility services provided by the city shall be paid for at the same rates charged other customers (except to the facilities owned by the city). The city reserves the right to set separate rates for any distinct class of customer or service area that creates unique costs or capital investment obligations to adequately serve that class or geographic area.

(Ord. No. 2012-08 , 9-12-12)

Sec. 31-11.7. Exclusive rights within and external to city's boundaries.

The city has an exclusive right to provide sewer services within and external to its boundaries, by agreement. Applicants requiring sewer services must apply for water services from the water company. Failure to comply may subject the customer to back billing for the omitted service to the date the water service commenced. The city manager is empowered to determine whether a proposed service location will require one (1) or more utility services. The city council may grant waivers of this dual service requirement for good cause. Where one (1) service is provided by another agency, proof of application to this agency may be provided.

(Ord. No. 2012-08 , 9-12-12)

Sec. 31-11.8. Right to locate sewer connection service.

The city shall have the right to locate a sewer connection service on the property of the user as outlined in the service agreement.

(Ord. No. 2012-08 , 9-12-12)

Sec. 31-12. Damaging, etc., sewers or appurtenances.

- (a) No person, while engaged in the construction of a building or otherwise, shall damage, injure, trim, break or remove any portion of any main or lateral sewer, or "Y", or manhole, lamphole or flushtank, or do any injury to any house sewer previously laid, and no penalty fixed for a violation of this section shall prevent the city or any property owner from recovering any damages sustained by reason of such injury, by appropriate civil action or otherwise.
- (b) When a discharge of waste causes an obstruction, damage or any other impairment to the POTW, the city may assess a charge against the user for the work required to clean or repair the POTW and add such charge to the user's charge provided for in section 31-11.

(Ord. No. 2012-08 , 9-12-12)

Sec. 31-13. Removal of obstructions from main sewer.

In case of stoppage in the main sewer, the city shall remove the obstruction. If the obstruction causing the stoppage is determined by the director to have been caused by a specific person, that person may be assessed the cost of the removal.

(Ord. No. 2012-08 , 9-12-12)

Secs. 31-14—31-30. Reserved.

ARTICLE II. BUILDING SEWERS

Sec. 31-31. Permit to construct or install.

No person shall construct or install any building sewer without first obtaining a permit from the director. There shall be two (2) classes of building sewer permits: One (1) for residential service and one (1) for service to establishments producing nondomestic or industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent, in the judgment of the director.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-32. Separate sewer required for each building; exception.

A separate and independent building sewer shall be provided for each building, except that where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-33. Use of old sewers for new buildings.

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

(Ord. No. 2008-18, 10-14-08)

Sec. 31-34. General construction and installation standards.

The size, slope, alignment and material of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WEF Manual of Practice No. 9 as amended shall apply.

(Ord. No. 2008-18, 10-14-08)

Cross reference(s)—Building and plumbing codes adopted, § 11-16.

Sec. 31-35. Owner responsible for costs of installation; indemnification of city from loss or damage.

All costs and expense incident to the installation and connection of a building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may, directly or indirectly, be occasioned by the installation of the building sewer, unless such loss or damage is caused in whole or in part by the negligence of the city, its agents, employees or contractors.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-36. Elevation; lifting devices.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-37. Excavations to be guarded; restoration of disturbed public property.

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

(Ord. No. 2008-18, 10-14-08)

Sec. 31-38. Inspection and connection to public sewer.

- (a) The applicant for the building sewer permit shall notify the director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the director.
- (b) The connection of a building sewer into a public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city or the procedures set forth in appropriate specifications of the ASTM and the WEF Manual of Practice No. 9 as amended. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the director before installation.

(Ord. No. 2008-18, 10-14-08)

Cross reference(s)—Building and plumbing codes adopted, § 11-16.

Sec. 31-39. Prohibited connections.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected, directly or indirectly, to a public sanitary sewer without the written approval of the director.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-40. Removal of stoppages; installation of cleanouts.

If a stoppage occurs in a building sewer, the city will clean the building sewer from any existing cleanout in the side, rear or front yard and repair that portion of any defective sewer which lies within the street right-of-way. Should a stoppage occur in the building sewer and no cleanout exists in the side, rear or front yard, the property owner shall be responsible for removing the stoppage. If the property owner fails to remove the obstruction within forty-eight (48) hours after notice from the director, the obstruction may be removed by the city, and the cost thereof, together with twenty (20) percent thereof, shall be paid by the owner to the city. The cleaning of a building sewer line by a city crew will not be accomplished more frequently than once every two (2) years. The need for more frequent cleaning is indicative of a problem that warrants the services of a plumber or private

contractor. A hold harmless form must be signed by the building occupant in order for the city crew to clean that portion of the sewer line which is on private property.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-41. Responsibility of plumbers for damages arising from violation of article.

Every person engaged in the plumbing business shall make good damages arising by reason of violation of this article. Work improperly done and not corrected after five (5) days' written notice by the city may be corrected by the director, and the cost thereof shall be paid by the party responsible for the improper work.

(Ord. No. 2008-18, 10-14-08)

Secs. 31-42—31-55. Reserved.

ARTICLE III. SEWER USE STANDARDS FOR INDUSTRIAL USERS

DIVISION 1. GENERALLY

Sec. 31-56. Prohibited discharge standards.

- (a) No industrial user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause interference or pass-through. This general prohibition and the specific prohibitions listed below apply to all industrial users of the POTW, whether or not the user is subject to national categorical pretreatment standards or any other federal, state or local pretreatment standards or requirement.
- (b) No industrial user shall discharge or permit the discharge or infiltration into the POTW any of the following:
 - (1) Any wastewater having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius) or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of ten (10) degrees Fahrenheit (five (5) degrees Celsius) or more per hour, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred thirteen (113) degrees Fahrenheit (forty-five (45) degrees Celsius).
 - (2) Any fats or greases, including but not limited to petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through.
 - (3) Any explosive or flammable liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW. Included in this prohibition are wastestreams with a closed-cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) using the test methods specified in 40 CFR Section 261.21. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the POTW or at any point in the POTW be more than five (5) percent or any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter.
 - (4) Any substance which may cause the treatment plant effluent, or any other residues, sludges, or scums, to be unsuitable for reclamation and reuse or may otherwise interfere with the reclamation process.

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- (5) Any substance which may cause the city to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the act or under the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or other federal or state requirements applicable to the sludge use and disposal practices being used by the city.
 - (6) Solid or viscous substances in amounts which will cause obstruction to the flow in the POTW resulting in interference.
 - (7) Any wastewater having a pH lower than 5.0, or having any property capable of causing hazard, damage or any other condition deleterious to structures, equipment, personnel, treatment processes or operation of the POTW.
 - (8) Any wastewater containing substances in excess of the limitations established by the director to prevent interference and pass-through of the POTW and protect worker health and safety, approved by the approval authority in conformance with the Virginia Administrative Process Act, and placed in the individual industrial wastewater discharge permit issued to the significant industrial user by the city in conformance with this chapter.
 - (9) Any wastewater containing 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.
 - (10) Any unpolluted stormwater, surface water, groundwater, artesian well water, swimming pool drainage, roof runoff, interior or exterior footing or basement floor drainage, condensate, deionized water, subsurface drainage, unpolluted industrial wastewater, or cooling water, unless specifically authorized by the director.
 - (11) Any trucked or hauled wastewater or pollutants, except at discharge points designated by the director.
 - (12) Any wastewater containing any radioactive wastes or isotopes, except as approved by the director in compliance with applicable local, state and federal requirements.
 - (13) Any 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.

Wastewaters and pollutants prohibited by this section shall not be processed or stored in such a manner that these wastes could be discharged to the POTW. All drains located in process or materials storage areas must be protected to prevent discharge to the POTW.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-57. National categorical pretreatment standards.

Industrial users subject to national categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter I, Subchapter N, Parts 405 through 471 and incorporated herein. Upon promulgation of national categorical pretreatment standards for a particular user, the said standard, if more stringent than the limitations imposed under this chapter for sources in that category, shall, when effective, immediately supersede the limitations and conditions imposed under this chapter. The director shall notify all known affected users of the applicable reporting requirements under division 3 of this article and 9VAC25-31-780.

- (1) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director should impose an alternative limit using a flow weighted analysis from the combined wastestream formula in 40 CFR Section 403.6(e), as incorporated by 9VAC25-31-780.

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- (2) Where a pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the director may impose equivalent concentration or mass limits in accordance with 40 CFR Section 403.6(c), as incorporated by 9VAC25-31-780. Once incorporated into its control mechanism, the individual user must comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.
 - (3) An industrial user may obtain a variance from a categorical pretreatment standard from EPA if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR Section 403.13, as incorporated by 9VAC25-31-780, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
 - (4) Categorical pretreatment standards may be adjusted by the director to reflect the presence of pollutants in an industrial user's intake water (i.e., net gross adjustment) in accordance with 40 CFR Section 403.15, as incorporated by 9VAC25-31-780.
 - (5) Subject to the procedural and substantive requirements of 40 CFR Section 403.7, as incorporated by 9VAC25-31-790, the director may grant removal credits to an industrial user to reflect the HRWTF's removal from the POTW of pollutants specified in the categorical pretreatment standards. The removal credit shall be equal to or less than the HRWTF's consistent removal rate. Upon being granted a removal credit, an industrial user shall calculate its revised discharge limits in accordance with 40 CFR Section 403.7(a)(4), as incorporated by 9VAC25-31-790.
 - (6) Subject to the procedural and substantive requirements of 9VAC25-31-780 C. 5, when the limits in a categorical pretreatment standard are expressed only in terms of pollutant concentrations, an industrial user may request that the director convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the director. The director may establish equivalent mass limits only if the industrial user meets all the following conditions in subsections (6)a.1. through 5. of this subsection as follows:
 - a. To be eligible for equivalent mass limits, the industrial user must:
 1. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;
 2. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;
 3. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 4. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
 5. Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.
 - b. An industrial user subject to equivalent mass limits must:
 1. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 2. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

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3. Continue to record the facility's production rates and notify the director whenever production rates are expected to vary by more than twenty (20) percent from its baseline production rates determined in subsection (6)a.3. of this subsection. Upon notification of a revised production rate, the director must reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 4. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to subsection (6)a.1. of this subsection as long as it discharges under an equivalent mass limit.
- c. When developing equivalent mass limits, the director:
1. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;
 2. Upon notification of a revised production rate, must reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 3. May retain the same equivalent mass limit in subsequent control mechanism terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to subsection (6)d. of this subsection. The industrial user must also be in compliance with 9VAC25-31-890 (regarding the prohibition of bypass.
- d. The director may not express limits in terms of mass for pollutants such as pH, temperature, radiation, or other pollutants which cannot appropriately be expressed as mass.
- (7) The director may convert the mass limits of the categorical pretreatment standards in 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users under the following conditions: When converting such limits to concentration limits, the director must use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by section 31-60. The conversion is at the discretion of the director.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-58. State pretreatment standards.

Industrial users are required to comply with any applicable state pretreatment standards and requirements adopted by the department in 9VAC25-31-730-900. These standards and requirements are incorporated herein.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-59. Local limits.

- (a) The city and the director reserve the right to establish, by ordinance or in permits, any limitations or requirements on discharges to the POTW deemed necessary to comply with the objectives presented in section 31-1 of this chapter or the general and specific prohibitions in section 31-56 of this chapter.

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- (b) The director may develop best management practices (BMPs), by ordinance or in individual wastewater discharge permits or general permits, to implement local limits and the requirements of section 31-56 of this chapter.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-60. Dilution.

Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The director may impose mass limitations on users who are using dilution to achieve compliance with pretreatment standards or requirements or in other cases in which the imposition of mass limitations is appropriate.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-61. Discharge of toxic materials.

No person shall discharge into the POTW any liquids containing toxic materials in sufficient quantity, either singly or by interaction with other wastes, which would tend to injure or interfere with any treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters or the effluent of the treatment plant.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-62. City's alternatives as to prohibited discharges.

If wastewaters containing any substance described in subsection (b) of section 31-56 of this chapter are discharged or proposed to be discharged into the POTW, the director may take any appropriate action necessary to:

- (1) Deny or condition new or increased contributions or changes in pollutants to the POTW with the discharge of such wastewater.
- (2) Require a discharger to demonstrate that in-plant modifications will eliminate the discharge of such substances to a degree as to be acceptable to the city and so as not to violate the provisions of this chapter or to meet applicable pretreatment standards and requirements
- (3) Require pretreatment or technology, including storage facilities or flow equalization if necessary, to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate the provisions of this chapter.
- (4) Require the person making, causing or allowing the discharge to pay any added cost of handling and treating excess loads imposed on the POTW.
- (5) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this chapter.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-63. Pretreatment or flow control facilities requirement.

- (a) Industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all pretreatment standards, local limits, and the prohibitions set out in section 31-56 of this chapter, within the time limitations specified by the director. Any facilities required to pretreat wastewater to a level acceptable to the director shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the director for review, and shall be acceptable to the director before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce a discharge acceptable to the director under the provisions of this chapter.
- (b) Whenever deemed necessary, the director may require an industrial user to restrict the user's discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage from industrial wastewaters, and impose such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this chapter.
- (c) The director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit or general permit may be issued solely for flow equalization.
- (d) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-64. Grease, oil and sand separators.

- (a) When required by the director, the user of any property serviced by a sanitary sewer carrying industrial wastewater shall install separators as necessary for the proper handling of liquid wastes containing grease, sand, oil or any other matters that may violate the provisions of subsection 31-56(b)(2), (3) or (7) of this chapter.
- (b) When required by the director, all sanitary sewers of the user into which waste products are discharged shall be directed to one (1) or more such separators before connecting with the public sanitary sewers. Such separators shall be installed by the user and be accessible for maintenance purposes.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-65. Designation of separate sources of constituents.

- (a) *Firm with multiple buildings.* Where a business or industrial firm is operating as an integrated manufacturing complex, involving more than one (1) building and having separate sewer connections within the same contributory area, such firm may be considered as one (1) unit with multiple sewers. An analysis for each building sewer, based on separate samples and flows taken at each building sewer, may be combined and the weighted average of the results thus obtained may, consistent with section 31-57(1), be used as the measure of the constituent concentration of the wastes discharged into the POTW by such firm.
- (b) *A block and lot with multiple buildings.* Where a parcel of real property consisting of one (1) block and lot is occupied by multiple buildings having tenants with unrelated manufacturing processes, each building shall be considered a separate source of constituents.

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- (c) *Multitenanted industrial buildings.* Where a parcel of real property consisting of one (1) block and lot, or lots, is occupied by a multitenanted industrial building connected to the POTW by one (1) or more sewers and the tenants in said building discharge wastewater into the drainage system, each tenant shall be considered a separate source of constituents and the constituent concentration shall be determined at sampling locations selected by the director for each source.
 - (d) *Industrial park or industrial building complex.* Where a parcel of real property consists of more than one (1) block and lot, and one (1) or more buildings on said parcel occupy a single block, each such building or buildings may be considered a block and lot with multiple buildings and the constituent concentration discharged from said building or buildings to the POTW shall be determined as prescribed under subsection (b) of this section.
 - (e) *Tenant activities.* Any tenant of such real property as described in subsections (a), (b), (c) and (d) of this section shall comply with all of the rules and regulations of this article.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-66. Special agreements.

- (a) Nothing contained in this chapter shall be construed as preventing any special agreement between the city and any user of the POTW whereby a wastewater of unusual strength or character may be accepted into the POTW subject to agreement between the two (2) parties. No such agreement, however, shall be made which would allow the combined influent to the treatment plant to exceed limitations which will adversely affect operation of the plant. The terms and conditions of such agreement are subject to change by the director during the life of the agreement as required for process control and/or changes to VPDES permit limitations. Notification of such changes will be made similar to permit changes as outlined in section 31-75 of this chapter.
- (b) In no case will a special agreement waive compliance with any pretreatment standard. However, the industrial user may request a net gross adjustment to a categorical pretreatment standard in accordance with 40 CFR 403.15, as incorporated by 9VAC25-31-870. Industrial users may also request a variance from the categorical pretreatment standards from the EPA. Such a request will be approved only if the user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that categorical pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13, as incorporated by 9VAC25-31-850.

(Ord. No. 2008-18, 10-14-08)

Secs. 31-67—31-70. Reserved.

DIVISION 2. DISCHARGE PERMITS

Sec. 31-71. Wastewater discharge permit requirement.

- (a) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the director, except that a significant industrial user that has filed a timely application pursuant to section 31-72 of this chapter may continue to discharge for the time period specified therein. An application for a wastewater discharge permit shall be filed with the director at least one hundred eighty (180) days prior to the anticipated start-up date.
- (b) The director may require other industrial users to obtain individual wastewater discharge permits or general permits necessary to carry out the purposes of this chapter.
- (c) The director may require other users to comply with a general control permit necessary to carry out the purposes of this chapter provided the following conditions are met. All of the facilities to be covered must:
 - (1) Involve the same or substantially similar types of operations;
 - (2) Discharge the same types of wastes;
 - (3) Be subject to the same effluent limitations;
 - (4) Be subject to the same or similar monitoring; and
 - (5) In the opinion of the director, be more appropriately controlled under a general permit than under individual wastewater discharge permits.
- (d) Any violation of the terms and conditions of an individual or general wastewater discharge permit shall be deemed a violation of this chapter and subject the wastewater discharge permittee to the enforcement provisions set forth in division 4 of this article. Obtaining a wastewater discharge permit does not relieve a permittee of its obligations to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law and regulation.
- (e) The applicable due dates for each type of discharge permit issued in this division 2 are summarized in the following table:

Permit Type	Permit Application Due	Draft Permit Complete	Comment Period Extends	Final Permit Complete
New (New Source); § 31-71	A minimum of 180 days prior to start-up	A maximum of 30 days after acceptance of a complete application	A maximum of 60 days after issuance of a draft permit	A maximum of 30 days after close of comment period
Renewal (Existing Source); § 31-79	A minimum of 180 days prior to expiration of the effective permit	A maximum of 30 days after acceptance of a complete application	A maximum of 60 days after issuance of a draft permit	A maximum of 30 days after close of comment period

Modification (Existing Source); § 31-75	A minimum of 180 days prior to the effective date of the modification	A maximum of 30 days after acceptance of a complete application	A maximum of 60 days after issuance of a draft permit	A maximum of 30 days after close of comment period
Reclassified Industrial User; § 31-78	A maximum of 90 days after reclassification	A maximum of 30 days after acceptance of a complete application	A maximum of 60 days after issuance of a draft permit	A maximum of 30 days after close of comment period
Municipal User; § 31-80	A minimum of 180 days prior to expiration of the effective permit	A maximum of 30 days after acceptance of a complete application	A maximum of 60 days after issuance of a draft permit	A maximum of 30 days after close of comment period
Wastewater Hauler (Indirect Source); § 31-81	December 1st of each calendar year	No draft permit	No comment period	A maximum of 14 days after acceptance of a complete application
General Permit § 31-71	A maximum of 90 days after notification by HRWTF	A maximum of 30 days after acceptance of a written request for coverage	A maximum of 60 days after issuance of a draft permit	A maximum of 30 days after acceptance of a written request for coverage

(Ord. No. 2008-18, 10-14-08)

Sec. 31-72. Application and issuance.

- (a) Industrial users seeking an individual wastewater discharge permit shall complete and file with the director an application in the form prescribed by the director and accompanied by any applicable fees. The applicant shall be required to submit, where applicable, in units and terms appropriate for evaluation, information including, but not limited to, the following:
- (1) Name, address and telephone number of an authorized representative of the applicant.
 - (2) Volume of wastewater to be discharged.
 - (3) Schedule of all industrial wastewaters produced before pretreatment, if any, at the premises, including the daily volume, maximum rate of discharge, and wastewater constituents and characteristics, as determined by a representative analysis.
 - (4) Time and duration of discharge.
 - (5) Average and hourly peak wastewater flow rates, including daily, monthly and seasonal variations, if any, for the total plant wastewater discharge.
 - (6) Conceptual site and plumbing plans to show all connections to the POTW.
 - (7) A general description of activities, facilities and plan processes on the premises, including all industrial wastewaters which are or could be discharged into the POTW.

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- (8) Each product produced, by type.
 - (9) Number of employees and hours of work.
 - (10) Line diagram and basic information, including capacity, of existing or proposed spill containment areas and installations.
 - (11) Listing of raw materials and chemicals that are used in the manufacturing process and are or could be discharged into the POTW.
 - (12) The SIC number(s) of the applicant's facility according to the Standard Industrial Classification Manual.
 - (13) If additional industrial user operation and maintenance or pretreatment techniques or installations will be required to meet the applicable pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards.
 - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - b. No increment of progress referred to in subsection a. shall exceed nine (9) months.
 - c. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director including, at a minimum, whether or not it complied with the increment of progress to be met on such date and if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than six (6) months elapse between such progress reports to the director.
 - (14) Any other relevant information deemed by the director to be necessary to evaluate the permit application.
- (b) To be covered by the general control mechanism, the significant industrial user 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 31-90(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 the director has provided written notice to the significant industrial user that such a waiver request has been granted in accordance with 9VAC25-31-840 E 2. The POTW must retain a copy of the general permit, documentation to support the POTW's determination that a specific significant industrial user meets the criteria in subsections 31-71(c)(1)—(5), and a copy of the user's written request for coverage for three years after the expiration of the general permit. The director may not control a significant industrial user 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 industrial users whose limits are based on the combined wastestream formula or net/gross calculations, section 31-57.
- (c) For individual permits, the director will evaluate the data furnished by the significant industrial user and may require additional information. After evaluation and acceptance of the data furnished, the director will issue, within thirty (30) days, a draft wastewater discharge permit. A sixty-day comment period shall be allowed all users, and thirty (30) days thereafter the director shall issue a wastewater discharge permit, if all of the terms and conditions herein are complied with.

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- (d) For general permits, the director will evaluate the data furnished by the significant industrial user and may require additional information. After evaluation and acceptance of the data furnished, the director shall issue a wastewater discharge general permit if all the terms and conditions herein are complied with.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-73. Terms and conditions.

- (a) A wastewater discharge permit must contain:
- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
 - (2) A statement that the wastewater discharge permit is nontransferable and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (3) Discharge limits based on applicable pretreatment standards and any other limits, including best management practices, the director deems necessary to prevent pass-through and interference;
 - (4) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants or best management practices to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
 - (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, and local law;
 - (6) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with subsection 31-90(b). Any grant of the monitoring waiver by the director must be included as a condition of the permit;
 - (7) Requirements to control slug discharge, if determined by the director to be necessary; and
 - (8) A signature and certification in accordance with section 31-100 of this chapter.
- (b) Individual and general wastewater discharge permits may contain, but need not be limited to, the following conditions:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
 - (3) Requirements for the development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
 - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

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- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
 - (8) Other conditions as deemed appropriate by the director to ensure compliance with this chapter and federal, state, and local laws and regulations.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-74. Term.

Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specified date.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-75. Modification of terms and conditions.

The terms and conditions of a permit issued under this division may be subject to modification and change by the director during the life of the permit, as limitations or requirements are modified and changed by state and federal laws and regulations or as required for process control. Whenever possible, permittees shall be informed of any proposed changes in permits at least ninety (90) days prior to the effective date of the change. Permittees shall be allowed a comment period, relating to any of the proposed changes in permits, which shall be the first forty-five (45) days of the ninety-day period prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-76. Transfer prohibited.

Wastewater discharge permits shall be issued to a specific user for a specific operation. Such a permit shall not be assignable or transferable and shall only be used for the operation for which it was obtained.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-77. Revocation.

- (a) The director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - (1) Failure to provide prior notification to the director of changed conditions pursuant to section 31-96 of this chapter;
 - (2) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - (3) Falsifying self-monitoring reports or certification statements;
 - (4) Tampering with monitoring equipment;
 - (5) Refusing to allow the director timely access to the facility premises and records;
 - (6) Failure to pay fines;

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- (7) Failure to pay sewer charges;
 - (8) Failure to meet compliance schedules;
 - (9) Failure to complete a wastewater survey or the wastewater discharge permit application;
 - (10) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
 - (11) Violating any provision of this chapter, any order or wastewater discharge permit issued under this chapter, or any other pretreatment standard or requirement.

Wastewater discharge permits shall be voidable upon cessation of operation. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

- (b) The director shall not revoke a discharge permit, without first delivering to the permittee written notice of such proposed revocation. The notice shall state the reason or reasons for the revocation.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-78. Permitting reclassified industrial users.

Any industrial user which is reclassified as a significant industrial user and discharges industrial waste into the POTW after the effective date of this chapter, and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the director for a wastewater discharge permit. Such significant industrial user shall not cause or allow discharges to the system to continue after one hundred eighty (180) days of the effective date of becoming reclassified as a significant industrial user, except in accordance with a permit issued by the director.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-79. Wastewater discharge permit reissuance.

An industrial user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with section 31-72 of this chapter, a minimum of one hundred eighty (180) days prior to the expiration of the user's existing wastewater discharge permit. If the user's existing permit expires after a completed application for reissuance has been submitted to the director in accordance with this section, the director may allow the user to continue to discharge under the existing permit until a final decision is made on the user's application for reissuance.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-80. Municipal user permits.

In the event another municipality (such as a city or county) contributes all or a portion of its wastewater to the POTW, the city may require the municipality to apply for and obtain a municipal user permit.

- (1) A municipal user permit application shall include:
 - a. A description of the quality and volume of the municipality's wastewater at the point it enters the POTW;
 - b. An inventory of all industrial users contributing to the municipality's wastewater; and
 - c. Such other information as may be required by the director.
- (2) A municipal user permit shall contain the following terms and conditions:

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- a. A requirement for the municipal user to adopt both a sewer use ordinance and local limits which are at least as stringent as those described in this chapter;
 - b. A requirement for the municipal user to submit a revised industrial user inventory on at least an annual basis;
 - c. Requirements for the municipal user to conduct pretreatment implementation activities, including industrial user permit issuance, inspection and sampling, and enforcement as needed;
 - d. A requirement for the municipal user to provide the city with access to all information that the municipal user obtains as part of its pretreatment activities;
 - e. Limits on the nature, quality, and volume of the municipal user's wastewater at the point where it enters the POTW;
 - f. Requirements for monitoring the municipal user's discharge; and
 - g. Such other terms and conditions as may be required by the director.
- (3) Violation of the terms and conditions of the municipal user's permit subjects the municipal user to the enforcement provisions set forth in division 4 of this article and shall be cause for revocation of the permit by the director.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-81. Wastewater hauler discharge permit.

- (a) Wastewater haulers shall discharge all septage and other permitted wastewaters at the designated wastewater hauler dumping stations established by the director.
- (b) Wastewater haulers shall have a valid wastewater hauler discharge permit before discharging wastewaters into the POTW.
- (c) Each wastewater hauling vehicle shall be equipped to use the quick disconnect couplers at the wastewater hauler dumping station.
- (d) Representative samples of wastewater from each load received at the POTW for treatment shall comply with pretreatment standards and requirements.
- (e) Each load delivered to the wastewater dumping station must have a wastewater hauler manifest properly filled out and presented to the operator on duty. Each manifest will be signed by the authorized representative of the wastewater hauling company.
- (f) All procedures for discharging, for cleanliness, and for general sanitary operation on city property as prescribed by the director shall be strictly adhered to by all wastewater haulers delivering wastewaters to the POTW dumping stations.
- (g) The source or sources of all wastewaters being hauled to the POTW shall be properly documented using the HRWTF manifest system.
- (h) Wastewater from a domestic user shall not be mixed with wastewater from an industrial user. Vehicles hauling wastewater from an industrial user shall not be used to haul wastewater from a domestic user for disposal at the POTW.
- (i) In addition to the enforcement provisions in division 4 of this article, failure of a wastewater hauler to comply with the provisions of this section shall be grounds for revocation of the hauler's discharge permit by the director.

(Ord. No. 2008-18, 10-14-08)

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(Supp. No. 4)

Secs. 31-82—31-85. Reserved.

DIVISION 3. REPORTING AND MONITORING REQUIREMENTS

Sec. 31-86. Monitoring programs and reports by industrial users.

- (a) The director may require industrial users to provide such technical or monitoring programs, including the submission of periodic reports, as he deems necessary; provided, however, that the burden, including costs, of such programs and reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained therefrom. The industrial user shall pay any applicable city charge for the monitoring program, in addition to the sewage disposal and other charges established by the city.
- (b) The monitoring program may require the industrial user to conduct a sampling and analysis program of a frequency and type specified by the director to demonstrate compliance with prescribed wastewater discharge limits. The industrial user may either:
 - (1) Conduct his own sampling and analysis program, provided he demonstrates to the director that he has the necessary certifications, qualifications and facilities to perform the work; or
 - (2) Engage a private, certified laboratory approved by the director.
- (c) If sampling performed by an industrial user indicates a violation, the user shall notify the director within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW within thirty (30) days after becoming aware of the violation, except the industrial user is not required to resample if:
 - (1) The POTW performs sampling at the industrial user at a frequency of at least once per month; or
 - (2) The POTW performs sampling at the industrial user between the time when the industrial user performs its initial sampling and the time when the industrial user receives the results of this sampling.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-87. Baseline monitoring reports.

- (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision made upon a category determination submission under 9VAC25-31-800, whichever is later, existing users subject to categorical pretreatment standards currently discharging to or scheduled to discharge to the POTW shall submit to the director a report which contains the information listed in subsection (b) below. When reports containing this information have already been submitted to the director, the industrial user will not be required to submit this information again. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical pretreatment standard, shall submit to the director a report which contains the information listed in paragraphs (1) through (5) of subsection (b) below, giving estimates of the information requested in paragraphs (4) and (5). A new source shall also report the method of pretreatment it intends to use to meet applicable categorical pretreatment standards.
- (b) Users described above shall submit the information set forth below:
 - (1) *Identifying information.* The name and address of the facility, including the name of operators and owners.
 - (2) *Environmental permits.* A list of any environmental control permits held by or for the facility.

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- (3) *Description of operations.* A brief description of the nature, average rate of production, and SIC and NASIC numbers of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- (4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR Section 403.6(e), as incorporated by 9VAC25-31-780. The director may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
- (5) *Measurement of pollutants.*
- Identification of the pretreatment standards applicable to each regulated process.
 - The results of sampling and analysis identifying the nature and concentration (and/or mass where required by the standard or by the director) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations (or mass where required) shall be reported. The sample shall be representative of daily operations.
 - Sampling and analysis must be performed in accordance with procedures set out in section 31-99 of this chapter.
 - The baseline report shall indicate the time, date, and place of sampling and methods of analysis and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
 - The director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
- (6) *Certification.* A statement, reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional O & M and/or additional pretreatment is required 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 implement such additional pretreatment and/or O & M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set forth in section 31-88 of this chapter.
- Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (40 CFR Section 403.7, as incorporated by 9VAC25-31-780), the combined wastestream formula (40 CFR Section 403.6(3), as incorporated by 9VAC25-VAC25-31-780), and/or a fundamentally different factors variance (40 CFR Section 403.13, as incorporated by 9VAC25-31-780) at the time the user submits the report required by subsection (a) of this section, the information required by subsections (b)(6) and (7) of this section shall pertain to the modified limits.
 - If the categorical pretreatment standard is modified by a removal allowance (40 CFR Section 403.7, as incorporated by 9VAC25-31-780), the combined wastestream formula (40 CFR Section 403.6(e), as incorporated by 9VAC25-31-780), and/or a fundamentally different factors variance (40 CFR Section 403.13, as incorporated by 9VAC25-31-780) after the industrial user submits the report required by subsection (a) of this section, any necessary amendments to the information

requested by subsections (b)(6) and (7) of this section shall be submitted by the user to the director within sixty (60) days after the modified limit is approved.

- (8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with section 31-100 of this chapter.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-88. Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by subsection (b)(7) of section 31-87 of this chapter:

- (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 industrial 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, and commencing and completing construction;
- (2) No increment referred to in subsection (1) above shall exceed nine (9) months;
- (3) The industrial user shall submit a progress report to the director no later than fourteen (14) days following each date in the schedule and the final date of compliance, including, at a minimum, whether or not the user complied with the increment of progress to be met on that date, and, if not, the date it expects to comply, the reason for delay, and 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 director.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-89. Reports on compliance with categorical pretreatment standard deadline.

- (a) Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in subsections (b)(4) to (6) of section 31-87 of this chapter.
- (b) For all industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.
- (c) All compliance reports must be signed and certified in accordance with section 31-100 of this chapter.
- (d) For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR Section 403.6(c), as incorporated by 9VAC25-31-780, this report shall contain a reasonable measure of the user's long-term production rate.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-90. Periodic compliance reports.

- (a) Any industrial user subject to a categorical pretreatment standard, after the compliance date of that pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the director during the months of June and December, unless required more frequently in the pretreatment standard or by the director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards, and a reasonable measure of the user's long-term production rate. If an industrial user is subject to categorical standards with only production-based limits, actual average production rate data for the reporting period must be given. In addition, this report shall include a record of measures or estimated average and maximum daily flows for the reporting period for the discharge reported in subsection (b)(4) of section 31-87, except that the director may require more detailed reporting of flows. At the discretion of the director and in consideration of such factors as the local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted.
- (b) The director may authorize the 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:
- (1) The director may authorize a waiver where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility, provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.
 - (2) The monitoring waiver is valid only for the duration of the effective period of the permit or other equivalent individual control mechanism, but in no case longer than five (5) years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.
 - (3) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one (1) sampling of the facility's process wastewater, prior to any treatment present at the facility, that is representative of all wastewater from all processes. The request for a monitoring waiver must be signed in accordance with section 31-100 of this chapter, and include the certification statement in 9VAC25-31-780 A 2 b. Non-detectable sample results may only be used 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.
 - (4) Any grant of the monitoring waiver by the director must be included as a condition in the user's control mechanism. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the director for three (3) years after expiration of the waiver.
 - (5) Upon approval of the monitoring waiver and revision of the user's control mechanism by the director, the industrial user must certify on each report, with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the industrial user:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under 9VAC25-31-840 E 1."

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- (6) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the user's operations, the user must immediately comply with the monitoring requirements of subdivision (a) of this subsection or other more frequent monitoring requirements imposed by the director, and notify the director.
 - (7) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.
- (c) The director may reduce the requirement in the subdivision (a) of this subsection to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by the approval authority, where the industrial user meets all of the following conditions:
- (1) The industrial user's total categorical wastewater flow does not exceed any of the following:
 - a. 0.01 percent of the design dry weather hydraulic capacity of the POTW, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches;
 - b. 0.01 percent of the design dry weather organic treatment capacity of the POTW; and
 - c. 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits were developed by the POTW in accordance with 9VAC25-31-770 C and D.
 - (2) The industrial user has not been in significant noncompliance, as defined in 9VAC25-31-800, for any time in the past two (2) years;
 - (3) The industrial user does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement for this industrial user would result in data that are not representative of conditions occurring during the reporting period pursuant to subsection (c)(1) of this section;
 - (4) The industrial user must notify the director immediately of any changes at its facility causing it to no longer meet conditions of subsection (c)(1) or (2) of this subsection. Upon notification, the industrial user must immediately begin complying with the minimum reporting in subdivision (a) of this subsection; and
 - (5) The director must retain documentation to support the director's determination that a specific industrial user qualifies for reduced reporting requirements under subdivision (c) of this subsection for a period of three (3) years after the expiration of the term of the control mechanism.
- (d) All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (e) If an industrial user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the director using the procedures prescribed in section 31-99 of this chapter, the results of this monitoring shall be included in the report.
- (f) Periodic compliance reports shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The director shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.
- (g) All periodic compliance reports must be signed and certified in accordance with section 31-100 of this chapter.

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- (h) Where the director has imposed mass limitations on an industrial user as provided for in section 31-60 of this chapter, the periodic compliance reports shall indicate the mass of pollutants from the user's discharge regulated by pretreatment standards.
 - (i) For industrial users subject to equivalent mass or concentration limits established by the director in accordance with subsection (2) of section 31-57 of this chapter, the periodic compliance report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the periodic compliance report shall include the user's actual average production rate for the reporting period.
 - (j) For industrial users subject to a local limit requiring compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the director or the applicable standards to determine compliance with the standard.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-91. Sampling and analysis results.

The reports required in sections 31-89 and 31-90 of this chapter shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the director, of pollutants contained therein which are limited by the applicable pretreatment standards.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-92. Reports from users not subject to categorical standards.

The director shall require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards.

- (1) Significant noncategorical industrial users shall submit to the director at least once every (6) months (on dates specified by the director) a description of the nature, concentration, and flow of pollutants required to be reported by the director.
- (2) These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the procedures prescribed in section 31-99 of this chapter.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-93. Notification of the discharge of hazardous waste.

- (a) Any industrial user who commences the discharge of hazardous waste shall notify in writing the director, the EPA Regional Waste Management Division Director, and the department of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 or 9VAC20-60-261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261 or 9VAC20-60-261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharge during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be

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discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 31-96 of this chapter. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of this division.

- (b) Industrial users are exempt from the requirements of subsection (a) above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR Sections 261.30(d) and 261.33(e). Discharges of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR Sections 261.30(d) and 261.33(e), require a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- (c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the director, the EPA Regional Waste Management Division Director, and the department of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (d) In the case of any notification made under this section, the industrial user shall certify that it has a program to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (e) This section does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued under this chapter, or any applicable federal or state law or regulation.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-94. Slug discharge control plan.

Each industrial user having the ability to cause interference with the POTW or to violate the regulatory provisions of this chapter shall provide protection from accidental discharge to the POTW of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. All industrial users whose wastewater includes or could include compatible or incompatible pollutants in amounts great enough to cause interference with the POTW must have detailed plans on file at the HRWTF showing facilities and operating procedures to provide this protection. Plans are subject to the approval of the director. Existing sources that store hazardous substances shall not contribute to the POTW unless a spill prevention plan has been approved by director. New sources shall not begin discharge unless a slug discharge control plan has been approved by the director. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify its facility as necessary to meet the requirements of this chapter. At a minimum, the slug discharge control plan shall contain the following elements:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the POTW of slug discharged, including any discharge that would violate a prohibition under section 31-56(b) of this chapter, with procedures for follow-up written notification within five (5) days;
- (4) Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant

site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment for emergency response.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-95. Unanticipated discharge.

- (a) *Immediate notification.* In the case of an accidental or deliberate discharge of compatible or incompatible pollutants which cause interference with the POTW or violate regulatory requirements of this chapter, it shall be the responsibility of the industrial user to immediately telephone and notify the HRWTF of the incident. The notification shall include name of caller, location and time of discharge, type of wastewater, concentration, and volume. Significant industrial users are required to notify the director immediately of any changes at their facilities affecting the potential for a slug discharge.
- (b) *Written report.* Within five (5) days following such an accidental or deliberate discharge, the industrial user shall submit to the director a detailed written report on forms to be provided by the director describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Follow-up reports may be required by the director as needed. Such report, or reports, shall not relieve the industrial user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such report relieve the industrial user of any fines, civil or criminal penalties, or other liability which may be imposed by this chapter or otherwise. Failure to report accidental or deliberate discharges may, in addition to any other remedies available to the director, result in the revocation of the discharger's wastewater discharge permit.
- (c) *Notice to user employees.* A notice in English and the language of common use shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge of a prohibited material. Employers shall ensure that all employees who are in a position to cause, discover, or observe such an accidental discharge are advised of the emergency notification procedures.
- (d) *Additional remedies.* In addition to remedies available to the director set forth elsewhere in this chapter, if the HRWTF or the city is fined by the Commonwealth of Virginia or EPA for violation of the city's VPDES permit or violation of applicable standards as a result of an industrial spill or slug discharge of a compatible or incompatible pollutant, then the fine, including all HRWTF or city legal, sampling, analytical testing, and any other related costs, shall be charged to the responsible industry. Such charge shall be in addition to, and not in lieu of, any other remedies the director or city may have, at law or in equity, under this chapter or state or federal statutes and regulations.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-96. Reports of changed conditions.

Each industrial user shall notify the director of any planned substantial changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change or immediately after the user has knowledge such change will occur.

- (1) The director may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 31-72 of this chapter.
- (2) The director may issue an individual wastewater discharge permit or a general permit under section 31-72 of this chapter or modify an existing individual wastewater discharge permit or general permit under section 31-75 of this chapter in response to changed conditions or anticipated changed conditions.

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- (3) For purposes of this requirement, substantial changes include, but are not limited to, flow increases of twenty (20) percent or greater, the discharge of any previously unreported pollutants, or any other change the director finds necessary for the user to report in order to prevent pass-through or interference.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-97. Recordkeeping.

Industrial users subject to the reporting requirements of this chapter shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records or information obtained pursuant to monitoring activities undertaken by the user independent of such requirements and documentation associated with best management practices under subsection 31-59(b). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed and who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years whether or not such monitoring activities are required by this chapter. This period shall be automatically extended for the duration of any unresolved limitation concerning the user or the city, or when requested by the director or the regional administrator.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-98. Monitoring, sampling and measuring facilities and equipment.

- (a) The director may require any industrial user to construct, at the user's expense, monitoring facilities to allow inspection, sampling and flow measurement of the waste discharged, together with sampling or metering equipment to be provided, installed and operated at the user's expense. Such inspection chamber or control manhole shall be situated on the user's premises and shall be constructed and operated to permit accurate sampling and flow measurements of all wastes discharged. Where conditions do not permit measurement of all discharges from one (1) industrial facility at a single control manhole, multiple control manholes shall be provided. The control manhole shall be located so as to permit access by city representatives, provide sufficient space for storage of samples and equipment and allow for accurate sampling. Such facilities shall be located so that samples may be taken safely and easily and shall not be obstructed by landscaping, parked vehicles, or other activity of the industrial user.
- (b) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the director's requirements and all applicable city construction standards and specifications. When, in the judgment of the director, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within ninety (90) days following written notification, unless a time extension is otherwise granted by the director.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-99. Sampling and analysis.

- (a) Except as indicated in subsection (b) below, the industrial user shall collect wastewater samples using flow proportional composite techniques. In the event flow proportional sampling is not feasible, the director may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide representative samples of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

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- (b) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
 - (c) The user shall take a minimum of one (1) representative sample to compile the data necessary to comply with the requirements of this section.
 - (d) Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated facility if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR Section 403.6(e), as incorporated by 9VAC25-31-780, in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Section 403.6(e), as incorporated by 9VAC25-31-780, this adjusted limit along with supporting data shall be submitted to the director.
 - (e) All pollutants analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or permit shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.
 - (f) For sampling required in support of baseline monitoring and 90-day compliance reports required in section 31-87 and 31-89 (40CFR 403.12(b) and (d)) of this chapter, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the director may authorize a lower minimum. For the reports required by section 31-90 (40 CFR 403.12(e) and 403.12(h)) of this chapter, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-100. Signatory and certification requirements.

- (a) All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- (b) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying requirements of this section must be submitted to the director prior to or together with any reports to be signed by an authorized representative.
- (c) A facility determined to be a non-significant categorical industrial user pursuant to subsection 31-2(c) must annually submit the following certification statement, signed by an authorized representative:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____ to _____ (months, days, year), _____ (facility name):

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1. Met the definition of a non-significant categorical industrial user as defined in section 31-2(3) of the city code;
 2. Complied with all applicable pretreatment standards and requirements during this reporting period; and
 3. Never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information:
_____."

- (d) Users that have an approved monitoring waiver based on subsection 31-90(b) of this chapter must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under section 31-90(a) of this chapter."

(Ord. No. 2008-18, 10-14-08)

Secs. 31-101—31-105. Reserved.

DIVISION 4. ENFORCEMENT

Sec. 31-106. Right of entry and confidential information.

The director or city manager shall enforce the provisions indicated herein on industrial users as defined and in conjunction with the VPDES required Enforcement Response Plan (ERP).

(a) *Right of entry.*

- (1) The city manager, director and other authorized representatives of the city bearing proper credentials and identification shall be permitted to immediately enter all industrial users' premises at reasonable hours to determine whether the user is complying with all standard requirements of this chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the city manager, director and other authorized representatives of the city ready access to all parts of the premises for the purposes of inspection, observation, copying, measurement or conducting surveys, sampling in accordance with this chapter, examining reports and records required by this chapter or by the director in accordance with this chapter, and any other duties necessary to monitor and enforce compliance with this chapter.
- (2) Entry shall normally be made during daylight or operating hours. However, the right is reserved for the director to enter the industrial user's premises at any hour of any day the city manager, director or other authorized representative of the city deems necessary as a result of abnormal or emergency circumstances. While performing necessary work on the user's premises, the director or other authorized representative of the city shall observe all reasonable safety rules applicable to the premises established by the user, and the user shall be held harmless for injury or death to city employees, and the city shall indemnify the user against loss or damage to its property and against liability claims and demands for personal injury or property damage asserted against the user, except as such may be caused by willful acts, negligence or failure of the user to maintain safe conditions.

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- (3) Unreasonable delays in allowing the city manager, director and authorized representatives of the city access to the industrial user's premises shall be a violation of this chapter.
- (b) *Search warrants.* If the city manager, director or other authorized representative of the city has been refused access to a building, structure, or property, or any part thereof, and the director or city is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the director may seek issuance of a search warrant from a judicial officer of the city authorized to issue such warrant.
- (c) *Confidential information.* Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits and monitoring programs, and inspection and sampling activities by the city and the director shall be available to the public without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under Code of Virginia, § 59.1-336. In addition, the director and the city shall be subject to the confidentiality requirements set forth in Code of Virginia, § 62.1-44.21 and 9VAC25-31-860.
- (1) Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR Section 2.302 will not be recognized as confidential information and will be available to the public without restriction.
- (2) When requested and demonstrated by the industrial user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to this chapter, the VPDES program, and in enforcement proceedings involving the person furnishing the report.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-107. Publication of users in significant noncompliance.

The director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by HRWTF, a list of the industrial users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term *significant noncompliance* shall mean:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of the wastewater measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;
- (b) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of the wastewater measurements taken for each pollutant parameter during a six-month period equal or exceed the product of a numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the applicable criteria TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (c) Any other discharge violation (daily maximum, long-term average, instantaneous limits or narrative standard) that the director believes has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of HRWTF personnel or the general public;

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- (d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the director's exercise of his emergency authority to halt or prevent such a discharge;
 - (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a consent order, compliance order, or wastewater discharge permit for starting construction, completing construction, or attaining final compliance;
 - (f) Failure to provide within forty-five (45) days after the due date any reports required by this chapter or orders or permits issued under this chapter, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - (g) Failure to accurately report noncompliance; or
 - (h) Any other violation(s), which may include violations of best management practices, that the director determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-108. Administrative enforcement remedies.

- (a) *Voluntary program.* Should an industrial user present to the director, at any time prior to being required to do so, information, data, plans, schedules and the like relating to a proposed procedure for the prevention of discharges in violation of the provisions of this chapter, the director may receive such material and initiate procedures for the preparation of a consent order under subsection (c) of this section. The presentation of material to the director, the acceptance of such material by the director, or commencement of procedures for the issuance of a consent order shall not prevent the director from issuing any notice of violation under subsection (b) of this section, nor does it exempt any industrial user from the provisions of this chapter.
- (b) *Notification of violation.* Whenever the director finds that any industrial user has violated or is violating a provision of this chapter, any order or permit issued under this chapter, or any other pretreatment standard or requirement, the director may serve upon the user a written notice of violation. Within ten (10) calendar days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take emergency action without first issuing a notice of violation.
- (c) *Consent order.* The director is hereby empowered to enter into agreements, assurances of voluntary compliance, or other similar documents establishing a consent order with the industrial user responsible for noncompliance. Such consent orders include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the consent order. Consent orders shall have the same force and effect as the orders issued pursuant to subsections (e) and (f) of this section and shall be judicially enforceable.
- (d) *Show cause hearing.* The city manager may order any industrial user which causes or contributes to a violation of any provision of this chapter, any order or permit issued under this chapter, or any other pretreatment standard or requirement to appear before the city manager and show cause why a proposed enforcement action should not be taken. Notice shall be served on the industrial user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) calendar days prior to the hearing. Such notice may be served on an authorized representative of the industrial user.

Whether or not the industrial user appears as noticed, immediate enforcement action may be pursued following the hearing date.

- (e) *Compliance orders.* When the city manager finds that an industrial user has violated or is violating any provision of this chapter, any order or permit issued under this chapter, or any other pretreatment standard or requirement, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. Furthermore, the city manager may continue to require such additional self-monitoring for at least ninety (90) days after consistent compliance has been achieved, after which time the self-monitoring conditions in the discharge permit shall control.
- (f) *Cease and desist orders.* When the city manager finds that an industrial user has violated or is violating any provision of this chapter, any order or permit issued under this chapter, or any other pretreatment standard or requirement, the city manager may issue an order to the industrial user to cease and desist any and all such violations and direct the user to:
- (1) Immediately comply with all requirements, and
 - (2) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- Such user shall be notified of the city manager's remedial or preventive action and be offered an opportunity to show cause under subsection (d) of this section why the proposed action should not be taken.
- (g) *Emergency suspensions.*
- (1) The director or his designee may suspend the wastewater discharge permit of an industrial user for a period not to exceed thirty (30) days whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons, interferes with the operation of the treatment plant, or which presents or may present an endangerment to the environment.
 - (2) Any industrial user notified of a suspension of its wastewater discharge permit shall immediately terminate or eliminate its contribution. In the event of an industrial user's failure to immediately comply with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the treatment plant, its receiving stream, or endangerment to any individuals. The director shall allow the industrial user to recommence its discharge when the user has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless termination proceedings set forth under subsections (d) and (f) of this section or section 31-109 of this chapter are initiated against the user.
 - (3) An industrial user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement to the director describing the causes of the harmful contribution and the measures taken to prevent any future occurrence prior to the date of any show cause or injunctive relief hearing under subsection (d) of this section and section 31-109 of this chapter, respectively.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-109. Injunctive relief.

Whenever an industrial user has violated or continues to violate any provision of this chapter, any order or permit issued under this chapter or any other pretreatment standard or requirement, the director or the city, through the city attorney, may petition the circuit court of the city for the issuance of a temporary or permanent injunction, as may be appropriate, to restrain the industrial user from violating such provision, order, permit, standard, or requirement or to compel the specific performance of the provision, permit, order, standard, or requirement. Such other action as may be appropriate for legal and/or equitable relief may also be sought by the director or the city. The court shall grant an injunction without requiring a showing of a lack of an adequate remedy at law.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-110. Civil penalties.

- (a) Any industrial user that has violated or continues to violate any provision of this chapter, any order or permit issued under this chapter, or any other pretreatment standard or requirement shall be liable for a maximum civil penalty of one thousand dollars (\$1,000.00) per violation per day. In the case of a monthly or other long term average pretreatment standard, penalties shall accrue for each business day during the period of the violation.
- (b) The director and city may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses and the cost of any actual damages incurred by the director and city.
- (c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the industrial user, and any other factor as justice requires.
- (d) Where appropriate, the director may accept mitigation projects in lieu of the payment of civil penalties where the project provides a valuable service to the city and the industrial user's expense in undertaking the project is at least one hundred fifty (150) percent of the civil penalty.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-111. Criminal prosecution.

- (a) Any industrial user that willfully or negligently violates any provision of this chapter, any order or permit issued under this chapter, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00) per violation per day, or imprisonment for not more than one (1) year, or both.
- (b) Any industrial user that knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed or required to be maintained under any provision of this chapter or wastewater discharge permit or order issued under this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation per day, or imprisonment for not more than one (1) year, or both.
- (c) In the event of a second conviction, the industrial user shall be punished by a fine of not more than three thousand dollars (\$3,000.00) per violation per day, or imprisonment for not more than one (1) year, or both.

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(Ord. No. 2008-18, 10-14-08)

Sec. 31-112. Affirmative defenses to discharge violations.

(a) *Upset.*

- (1) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (2), below, are met.
- (2) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and the industrial user can identify the cause(s) of the upset;
 - b. The facility was at the time being operated in a prudent and workman like manner and in compliance with applicable operation and maintenance procedures; and
 - c. The industrial user has submitted the following information to the director within twenty-four (24) hours of becoming aware of the upset:
 1. A description of the discharge and cause of noncompliance;
 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and
 4. If this information is provided orally, a written submission must be provided within five (5) days.
- (3) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.
- (4) Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (5) Industrial users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(b) *General/specific prohibitions.* An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in section 31-56 of this chapter if it can prove that it did not know or have reason to know that its discharge would cause pass-through or interference and that either:

- (1) A local limit exists for each pollutant discharged that caused the pass-through or interference and the industrial user was in compliance with each limit directly prior to and during the pass-through or interference; or
- (2) No applicable local limit exists, but the discharge, directly prior to and during the pass-through or interference, did not change substantially in nature or constituents from the industrial user's prior discharge activity when the city was regularly in compliance with its VPDES permit, and in the case of interference, with applicable sludge use or disposal requirements.

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This defense does not apply to the specific prohibitions in subsections (3), (8), and (12) of section 31-56 of this chapter.

(c) *Bypass.*

(1) For the purposes of this section:

- a. *Bypass* means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility, and
- b. *Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) Permissible bypass. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (3) and (4) of this subsection.

(3) Notice.

- a. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the director, at least ten (10) days before the date of the bypass, if possible.
- b. An industrial user shall submit oral notice to the director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause, the duration of the bypass, including exact dates and time, and, if the bypass has not been corrected, the anticipated time it is expected to continue. The submission shall also contain steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The director may waive the written submission on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(4) Prohibited bypass.

- a. Bypass is prohibited, and the director may take an enforcement action against an industrial user for a bypass, unless:
 1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime; and
 3. The industrial user submitted notices as required under paragraph (3) of this subsection.Condition 2. above is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during a normal period of equipment downtime or preventive maintenance.
- b. The director may approve an anticipated bypass after considering its adverse effects if the director determines that it will meet the three (3) conditions listed in paragraph (4)a. of this subsection.

(Ord. No. 2008-18, 10-14-08)

Secs. 31-113—31-115. Reserved.

ARTICLE IV. PRIVATE SEWAGE DISPOSAL SYSTEMS³

Sec. 31-116. When required.

Where a public sanitary sewer is not available under the provisions of section 31-8 of this chapter, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-117. Permit to construct; inspection of work.

- (a) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the director. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information deemed necessary by the director. A permit and inspection fee shall be paid to the city at the time the application is filed.
- (b) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the director. The director shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the director when the work is ready for final inspection and before any underground portions are covered.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-118. Type, capacity, location and layout.

The type, capacities, location and layout of a private sewage disposal system shall comply with regulations of and be approved by the Virginia Department of Health.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-119. Operation and maintenance.

The owner shall operate and maintain private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(Ord. No. 2008-18, 10-14-08)

³Charter reference(s)—Authority of city to acquire, operate, etc., public utilities, Ch. 11, § 4.

Cross reference(s)—Applicability of erosion and sediment control ordinance to installation of septic tank lines or drainage fields, § 14-2(5).

Sec. 31-120. Septic tanks and cesspools not to discharge to natural outlet.

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

(Ord. No. 2008-18, 10-14-08)

Sec. 31-121. Connection with public sewer and abandonment of private system.

- (a) At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made within sixty (60) days to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable materials, unless it can be shown to the satisfaction of the health officer that there is no necessity for connection to the public sewer line because the private sewage disposal system is operating properly.
- (b) Before a private sewer line may be connected with the city sewerage system, such private line, including the size, location and construction, must have been inspected and approved by the director. In consideration of a permit being granted to connect the private lines with the city sewerage system, the city shall have the right to connect other sewers with the private sewer lines without any charge being made by the initial installer or to the owner of any property connected therewith.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-122. Additional requirements of health officer.

Nothing contained in this article shall be construed to interfere with any additional requirement that may be imposed by the health officer.

(Ord. No. 2008-18, 10-14-08)

Secs. 31-123—31-127. Reserved.

***ARTICLE V. PUBLIC WATERWORKS CROSS CONNECTION CONTROL AND
BACKFLOW PREVENTION***

Sec. 31-128. Purpose.

The purpose of this article is to eliminate cross connections and protect the public health. This article provides for establishment and enforcement of a program of cross connection control and backflow prevention in accordance with the Commonwealth of Virginia, State Board of Health, Waterworks Regulations 1991, or as amended.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-129. Administration.

- (a) The cross connection officer shall administer and enforce the provisions of this article under the direction of the city manager.

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- (b) It shall be the duty of the water purveyor to cause inspections to be made of properties served by the waterworks where cross connection with the waterworks is deemed possible. The method of determining potential cross connection with the waterworks and the administrative procedures shall be established by the water purveyor in a cross connection control program approved by the Commonwealth of Virginia, Department of Health, Division of Water Supply Engineering, which program shall be consistent with this article.
 - (c) The responsibility to carry out the program lies with the water purveyor. The program shall be carried out in accordance with the Uniform Statewide Building Code and the Commonwealth of Virginia, State Board of Health, Waterworks Regulations and shall be a continuing program.
 - (d) All costs and expenses solely attributable to the administration and enforcement of this article and to the state-approved cross connection control program, including municipal costs, shall be the responsibility of, and shall be paid by, the water purveyor.
 - (e) In connection with the enforcement and administration of this article, the water purveyor shall abide by all rulings and interpretations made by the cross-connection officer. In making all rulings and interpretations, the cross-connection officer shall abide and be bound by all the terms and conditions of the cross connection control program approved by the State Department of Health, by all applicable rules and regulations of that department, and by this article.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-130. Enforcement.

- (a) Upon reasonable notice to the water supply system owner or occupants of property served, and upon notice to and approval by the cross-connection officer, the water purveyor shall have the right to enter, at any reasonable time, premises served by a connection to the waterworks for the purpose of inspecting, observing, sampling and testing the water supply system or systems for a cross connection. Upon request, the water supply system owner or occupants of property served shall furnish to the water purveyor pertinent information regarding the water supply system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of a cross connection.
- (b) The water purveyor shall take positive action to ensure that the waterworks is adequately protected at all times. If a cross connection exists or backflow occurs into a water supply system, or if the pressure in the waterworks is lowered below ten (10) psi gauge, water service to the water supply system shall be denied or discontinued upon continuation of any violation beyond the time provided in the notice of violation given pursuant to subsection 31-130(c). Water service shall not be restored until the deficiencies have been corrected or eliminated to the satisfaction of the water purveyor, or until the cross-connection officer directs that water service shall be restored, whichever is earlier.
- (c) Any water supply system owner found to be in violation of any provision of this article shall be served a written notice of violation sent certified mail to the water supply system owner's last known address, stating the nature of the violation, corrective action required and providing a reasonable time limit, not to exceed thirty (30) days from the date of receipt of the notice of violation, to bring the water supply system into compliance with this article.
- (d) Any owner or occupant of properties served by a connection to the waterworks found guilty of violating any of the provisions of this article, or any written order of the cross-connection officer in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50.00) or more than one thousand dollars (\$1,000.00) for each violation. Each day upon which a violation of provisions of this article occurs shall be deemed a separate and additional violation.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-131. Definitions.

Except as otherwise indicated, the terms used in this article shall be defined as follows:

Air gap separation means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying pure water to a tank, plumbing fixture or other device and the rim of the receptacle.

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

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

Backflow prevention device means any approved device, method, or type of construction intended to prevent backflow into a waterworks. These devices must be of the approved type utilizing standards and regulations promulgated by the American Society of Sanitary Engineering (ASSE) or of a type approved by the State Department of Health.

Consumer means person who drinks water from a waterworks.

Containment means preventing backflow into a waterworks from a consumer's water system by installing an appropriate backflow prevention device at the service connection.

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

Cross connection officer means the city manager of the City of Hopewell or other representative of the city designated by the city manager with the responsibility of administering this article.

Degree of hazard means the level of health hazard, as derived from an evaluation of the potential risk to health and the adverse effect upon the waterworks.

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

Division of water supply engineering means the Commonwealth of Virginia, Virginia Department of Health, Office of Water Programs, Division of Water Supply Engineering.

Domestic use or usage means normal family or household use, including drinking, laundering, bathing, cooking, heating, cleaning and flushing toilets.

Double gate—Double check valve assembly means an approved assembly composed of two (2) single independently acting check valves including tightly closing shutoff valves located at each end of the assembly and petcocks and test gauges for testing the water tightness of each check valve.

Entry point means the place where water from the source is delivered to the distribution system.

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

Isolation means installing an appropriate backflow preventive device on the plumbing fixture at the source of the potential contamination to isolate the fixture from the contamination. Isolation of an area or zone within a premises water supply confines the potential source of contamination to a specific area or zone.

Maximum contaminant level means the maximum permissible level of a contaminant which is delivered to the free-flowing outlet of the ultimate user of a waterworks, except in the cases of turbidity and VOCs, where the

maximum permissible level is measured at each entry point to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition. Maximum contaminant levels may be either "primary" (PMCL), meaning based on health considerations, or "secondary" (SMCL), meaning based on aesthetic considerations.

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

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

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

Premises means any realty and all appurtenances thereto.

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

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

Pure water or potable water means water fit for human consumption and domestic use which is sanitary and normally free of minerals, organic substances, and toxic agents in excess of reasonable amounts for domestic usage in the area served, and which is normally adequate in quantity and quality to meet minimum human health requirements. Such water is free from any impurities present in amounts sufficient to cause disease or harmful physiological effects and conforms in its bacteriological and chemical quality to the requirements of the Public Health Service Drinking Water Health Standards or the regulations of the public health authority having jurisdiction.

Reduced pressure principle backflow prevention device (RPZ device) means a device containing a minimum of two (2) independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

Service connection means the precise point where the water purveyor's supply line ends and the customer's water service line begins, and is as follows:

- (1) If a meter is installed, the service connection is the downstream side of the meter;

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- (2) If a meter is not installed, the service connection is the point of connection to the waterworks;
 - (3) When the water purveyor is also the building owner, the service connection is the entry point to the building.

System hazard means a condition posing actual or threatened damage to the physical properties of the waterworks or a consumer's water supply system.

Used water means any water supplied by a water purveyor from the waterworks to a consumer's water supply system after it has passed through the service connection.

Vacuum breakers means a type of backflow preventer installed on openings subject to normal atmospheric pressure.

Water purveyor means an individual, group of individuals, partnership, firm, association, institution, corporation, government entity, or the federal government which supplies or proposes to supply water to any person within the City of Hopewell from or by means of any waterworks.

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

Water supply system means the water service pipe, water distributing pipes, and necessary connecting pipes, fittings, control valves, and all appurtenances in or adjacent to the building or premises associated with the transport, delivery or containment of water on the customer's side of the service connection.

Waterworks means a system that serves piped water for drinking or domestic use to (1) the public; (2) at least fifteen (15) connections; or (3) an average of twenty-five (25) individuals for at least sixty (60) days out of the year. The term "waterworks" shall include all structures, equipment and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water but shall not include any water supply system.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-132. General requirements of water purveyor.

- (a) *General.* Effective cross connection control requires the cooperation of the City of Hopewell, the water purveyor, the water supply system owner, and the backflow prevention device tester.
- (b) *Water purveyor.*
 - (1) The program shall be carried out by the water purveyor in accordance with the Uniform Statewide Building Code and the Commonwealth of Virginia, State Board of Health, Waterworks Regulations and shall be a continuing program.
 - (2) The purveyor has full responsibility for water quality and for the construction, maintenance and operation of the waterworks beginning at the water source and ending at the service connection.
 - (3) The purveyor shall not install or maintain a water service connection to a water supply system where cross connections may exist unless such cross connections are abated or controlled to the satisfaction of the water purveyor, or unless the cross connection officer instructs the purveyor to install or maintain the water service connection.
 - (4) The purveyor shall not install or allow any connection which would allow water from an auxiliary water system to enter a waterworks, either directly or through a water supply system, unless the auxiliary water system and the method of connection and use of such system have been approved by the Division of Water Supply Engineering, Office of Water Programs, Virginia Department of Health.

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- (5) The water purveyor shall conduct thorough inspections and operational tests at least annually of backflow prevention devices or low pressure cutoff devices which are required and installed in accordance with section 31-133 unless otherwise noted in the program. Copies of results of these inspections and list shall be kept on file and made available to the division of water supply engineering, and submitted to the cross connection officer. The devices shall be repaired, overhauled or replaced by the water supply system owner if directed to do so by the water purveyor, with the approval of the cross connection officer, as outlined in the program.
 - (6) The water purveyor shall review plans for fire service connections and lawn or irrigation systems served by the waterworks, and recommend approval to the fire chief of the City of Hopewell if the plans are acceptable. Only after final approval by the fire chief will it be permissible to proceed with the final construction. All plans should be submitted to the fire chief with sufficient copies for the cross connection officer to forward a copy of the plans to the water purveyor.
 - (7) In the event of backflow of pollution or contamination into the waterworks, the water purveyor shall promptly take or cause corrective action to confine and eliminate the pollution or contamination. The water purveyor shall immediately notify the cross connection officer and the division of water supply engineering when backflow occurs.
 - (8) The water purveyor shall take positive action to ensure that the waterworks is adequately protected at all times. If a cross connection exists or backflow occurs into a water supply system or if the pressure in the waterworks is lowered below ten (10) psi gauge, the water purveyor shall discontinue the water service to the water supply system and water service shall not be restored until the deficiencies have been corrected or eliminated to the satisfaction of the water purveyor or until restoration of water service is ordered by the cross connection officer.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-133. Containment policy.

- (a) *Service line protection.* An approved backflow prevention device shall be installed by the water supply system owner at each service connection to a water supply system, where, in the judgment of the water purveyor or the cross connection officer, a health, pollutional, or system hazard to the waterworks exists.
- (b) *Special conditions.* When, as a matter of practicality, the backflow prevention device cannot be installed at the service connection, the device may be located downstream of the service connection, but prior to any unprotected takeoffs.
- (c) A backflow prevention device shall be installed by the water supply system owner at each service connection to a water supply system serving the premises where the following conditions exist:
 - (1) Premises on which any substance is handled in such a manner as to create an actual or potential hazard to a waterworks (this shall include premises having sources or systems containing process fluids or waters originating from a waterworks which are no longer under the control of the water purveyor).
 - (2) Premises having internal cross connections that, in the judgment of the water purveyor, may not easily be correctable or intricate plumbing arrangements which make it impracticable to determine whether or not cross connections exist.
 - (3) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross connection survey.
 - (4) Premises having a repeated history of cross connections being established or reestablished.

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- (5) Other premises specified by the water purveyor where cause can be shown that a potential cross connection hazard not enumerated above exists. Examples may include multiuse commercial, office, warehouse, or other premises where the degree of hazard is subject to change without knowledge of the water purveyor.
- (d) A backflow prevention device shall be installed at fire protection system connections to the waterworks in accordance with the following:
- (1) Additives or nonpotable source: Where systems or fire truck tanks have chemical additives or antifreeze or where systems can be connected to a nonpotable secondary water supply, the waterworks shall be protected by a reduced pressure principle backflow preventer.
 - (2) Fire department connection (Siamese connections): Where systems have fire department connections, the waterworks shall be protected by a double gate-double check valve assembly or double detector check valve assembly.
 - (3) Piping or storage tanks not approved for water distribution: Where systems are installed with piping, joints, connections or storage tanks not approved for water distribution systems, the waterworks shall be protected by a double gate-double check valve assembly or double detector check valve assembly.
 - (4) Piping approved for water distribution: Where systems are installed with piping, joints and connections approved for water distribution systems (NSF pw) and the premises water supply system design provides freely flowing potable water through the fire protection system, and the potable water is not allowed to stagnate or deteriorate in water quality, a backflow prevention device shall not be required.
- (e) Premises having booster pumps connected to the waterworks shall be equipped with a low pressure regulating or cutoff device to shut off the booster pump when the pressure in the waterworks drops to a minimum of ten (10) psi gauge.
- (f) An approved backflow prevention device shall be installed at each service connection to a water supply system serving, but not necessarily limited to, the following types of facilities:
- (1) Car washes and laundries;
 - (2) Chemical plants, dyeing plants and pharmaceutical plants;
 - (3) Commercial greenhouses and nurseries;
 - (4) Dry cleaners when cleaning is done on the premises;
 - (5) Farms where the water is used for other than household purposes;
 - (6) Fire service system;
 - (7) Food and beverage processing plants;
 - (8) Health clubs with swimming pools, therapeutic baths, hot tubs or saunas;
 - (9) Highrise buildings (four (4) or more stories);
 - (10) Hospitals, mortuaries, clinics, veterinary establishments, nursing homes, and medical buildings;
 - (11) Laboratories;
 - (12) Lawn sprinkler systems, irrigation systems;
 - (13) Manufacturing plants;
 - (14) Metal plating industries;
 - (15) Paper and paper products plants and printing plants;

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- (16) Petroleum processing or storage plants;
 - (17) Piers, docks, waterfront facilities;
 - (18) Pesticide or exterminating companies and their vehicles with storage or mixing tanks;
 - (19) Print shops;
 - (20) Radioactive materials processing plants or nuclear reactors;
 - (21) Schools or colleges with laboratory facilities;
 - (22) Sewage treatment plants, sewage pumping stations, or storm water pumping stations;
 - (23) Slaughter houses and poultry processing plants;
 - (24) Steam generating facilities;
 - (25) Others specified by the water purveyor, the cross connection officer, and/or division of water supply engineering when reasonable cause can be shown for a potential backflow or cross connection hazard.
- (g) This article and the requirements for installation and maintenance of backflow prevention devices shall have no application to single-family homes and multifamily units having fewer than four (4) stories.
- (Ord. No. 2008-18, 10-14-08)

Sec. 31-134. Types of protection required.

The type of protection required shall depend on the degree of hazard which exists or may exist and on the method of potential backflow. Backflow occurs either by back pressure or by back siphonage.

The degree of hazard, either high, moderate, or low, is based on the nature of the contaminant; the potential of the health hazard; the probability of the backflow occurrence; and the effect on waterworks structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water. (Table 1 shall be used as a guide to determine the degree of hazard for any situation, but shall not limit the water purveyor in classifying hazards at specific locations.)

- (1) Air gaps give the highest degree of protection and shall be used whenever practical to do so in high hazard situations subject to back pressure.
- (2) An air gap separate and reduced pressure principle backflow prevention device may be used in high hazard situations.
- (3) Vacuum breakers may be used in high hazard situations subject to back siphonage only. These include atmospheric type, pressure type, hose bib type and wall hydrant type vacuum breakers.
- (4) Backflow prevention devices consisting of dual independent check valves with an intermediate atmospheric vent or without an intermediate atmospheric vent shall only be used in low hazard situations.
- (5) Barometric loops are not acceptable.
- (6) An interchangeable connection or changeover device is not acceptable.
- (7) Reduced pressure principle type backflow preventers and devices consisting of dual independent check valves shall not be installed in pits or areas subject to flooding.
- (8) Double gate-double check valve assembly devices shall not be used in high hazard situations.

TABLE 1. DETERMINATION OF DEGREE OF HAZARD

Premises with one (1) or more of the following conditions shall be rated at the corresponding degree of hazard:

High hazard—The contaminant would be toxic, poisonous, noxious or unhealthy.

- A health hazard would exist.
- A high probability exists of a backflow occurrence either by back pressure or by back siphonage.
- The contaminant would disrupt the service of piped water for drinking or domestic use.
- Examples—Sewage, used water, nonpotable water, auxiliary water systems, toxic or hazardous chemicals, etc.

Moderate hazard—The contaminant would only degrade the quality of the water aesthetically or impair the usefulness of the water.

- A health hazard would not exist.
- A moderate probability exists of a backflow occurrence either by back pressure or by back siphonage.
- The contaminant would not seriously disrupt service of piped water for drinking or domestic use.
- Examples—Food stuff, nontoxic chemicals, nonhazardous chemicals, etc.

Low hazard—The contaminant would only degrade the quality of the water aesthetically.

- A health hazard would not exist.
- A low probability exists of the occurrence of backflow primarily by back siphonage.
- The contaminant would not disrupt service of piped water.
- Examples—Food stuff, nontoxic chemicals, nonhazardous chemicals, etc.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-135. Backflow prevention devices.

- (a) Any backflow prevention device shall be of the approved type utilizing standards and regulations promulgated by the American Society of Sanitary Engineering (ASSE) or of a type approved by the State Department of Health and shall comply with the Uniform Statewide Building Code.
- (b) Any backflow prevention device shall be installed in a manner approved by the water purveyor and in accordance with the Uniform Statewide Building Code.
- (c) Existing backflow prevention devices approved by the water purveyor and the division of water supply engineering prior to the effective date of this article shall, except for inspection, testing, and maintenance requirements, be excluded from the requirements of subsections 31-135(a) and (b), if the water purveyor and the division of water supply engineering are satisfied that the devices will protect the waterworks.

(Ord. No. 2008-18, 10-14-08)

Sec. 31-136. Maintenance and inspection requirements.

- (a) It shall be the responsibility of water supply system owners to maintain all backflow prevention devices installed in accordance with section 31-133 on the premises in good working order and to make no piping or other arrangements for the purpose of bypassing backflow prevention devices.
- (b) Testing and inspection schedules shall be established by the water purveyor as outlined in the program for all backflow prevention devices. The interval between testing and inspections and overhauls of each device shall

be established in accordance with the age and condition of the device and the device manufacturer's recommendations. Inspection and testing intervals shall not exceed one (1) year, and overhaul intervals shall not exceed five (5) years unless otherwise noted in the program. The testing procedures shall be in accordance with the device manufacturer's instructions.

- (c) All inspections conducted pursuant to this article shall be performed by persons certified and approved to conduct such inspections by the State Department of Health or other appropriate governmental body.

(Ord. No. 2008-18, 10-14-08)

ARTICLE VI. STORM SEWERS

Sec. 31-137. Statutory authority.

- (a) Code of Virginia, § 15.2-2122, authorizes localities to adopt, by ordinance, standards for the use of a stormwater sewer system.
- (b) The Federal Water Pollution Control Act, commonly known as the Clean Water Act, established the National Pollutant Discharge Elimination System (NPDES) program, which requires permits for discharges from certain municipal storm sewer systems into the waters of the United States. The Environmental Protection Agency has promulgated regulations implementing the NPDES program.

(Ord. No. 2015-9-8A , 9-8-15)

Sec. 31-138. Purpose and objectives

- (a) The purpose of this article is to establish minimum requirements to protect the general health and safety of the public and to reduce pollutants into the City of Hopewell's stormwater sewer system, hereinafter the municipal separate storm sewer system, or MS4, within this jurisdiction by regulation of illicit non-stormwater discharges to the MS4. Therefore this article shall:
- (1) Prohibit illicit discharges to the City of Hopewell's MS4, including spills or dumping or disposal of materials other than stormwater;
 - (2) Require compliance with the conditions in this ordinance and any permits, contracts or orders; and
 - (3) Authorize inspection, surveillance mapping and monitoring procedures necessary to determine compliance and noncompliance with this article.
- (b) This article establishes methods for reducing the introduction of pollutants into the City of Hopewell's MS4, in order to comply with the requirements of the NPDES program and the Virginia Pollutant Discharge Elimination System (VPDES) program.
- (c) The objectives of this article are:
- (1) To regulate the use of the MS4 by stormwater discharges by any person;
 - (2) To prohibit illicit connections and illicit discharges to the MS4;
 - (3) To establish legal authority to carry out all inspections, surveillance and monitoring procedures necessary to ensure compliance with this article.

(Ord. No. 2015-9-8A , 9-8-15)

Sec. 31-139. Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this article shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this article.

(Ord. No. 2015-9-8A , 9-8-15)

Sec. 31-140. Compatibility with other permit and ordinance requirements.

This article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(Ord. No. 2015-9-8A , 9-8-15)

Sec. 31-141. Definitions

The following words and terms used in this article shall have the following meanings, unless the context clearly indicates otherwise:

Clean Water Act (CWA) means the Federal Clean Water Act (33 USC § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

Discharge of a pollutant means:

- (1) Any addition of any pollutant or combination of pollutants to state waters from any point source; or
- (2) Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.

This definition includes additions of pollutants into surface waters from: surface runoff that is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person that do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.

Illicit connection means any unlawful connection to the City of Hopewell's MS4, which discharges non-stormwater to the MS4. Failure of any facility, including an industrial facility or construction site, or residence to notify the City of Hopewell City Engineer of a connection to the city's MS4 constitutes an illicit connection.

Illicit discharge means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater, except discharges pursuant to a separate VPDES or state permit (other than the state permit for discharges from the municipal separate storm sewer), discharges resulting from firefighting activities, and discharges identified by and in compliance with 9VAC25-870-400 D 2 c (3).

Industrial wastes means liquid or wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resource.

Inspection means and includes, but is not limited to, any on-site physical examination of all facilities and grounds which may discharge to the City of Hopewell's MS4, a review of all records on operation and maintenance of facilities and the results of any monitoring performed for compliance with state, federal and local regulations or permit conditions.

Municipal separate storm sewer system means the conveyance or system of conveyances located within and owned or operated by the City of Hopewell, which are designed or used for collecting or conveying stormwater, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, and which are not part of the City of Hopewell's publicly-owned treatment works.

Other wastes means wastes that can adversely affect waters of the state and waters of the United States when discharged into those waters, including, but not limited to, garbage, refuse, lime, fertilizer, ashes, offal, tar, paint, solvents, petroleum products, antifreeze and chemicals.

Person means any individual, firm, organization, corporation, partnership, limited liability company, association, organization or other entity, including governmental entities, or any combination thereof, or any agent or employee of any such person.

Sanitary sewer shall have the meaning provided in section 31-2 of the Code of the City of Hopewell.

Stormwater means precipitation that is discharged across the land surface or through conveyances to one (1) or more waterways, which may include stormwater runoff, snow melt runoff, or surface runoff and drainage.

Virginia Pollutant Discharge Elimination System (VPDES) [Permit] means the permit issued by the Commonwealth of Virginia's State Water Control Board pursuant to the State Water Control Law authorizing, under prescribed conditions, the potential or actual discharge of pollutants from a point source to surface waters.
(Ord. No. 2015-9-8A , 9-8-15)

Sec. 31-142. Prohibited discharge to the MS4.

(a) It shall be a violation of this article to:

- (1) Discharge, or cause or allow to be discharged any non-stormwater, including, but not limited to, sewage, industrial wastes or solvents, or other wastes, or any component thereof, into the City of Hopewell's MS4, or onto driveways, sidewalks, parking lots or other areas draining to the MS4.
- (2) Connect, or cause or allow to be connected, any sanitary sewer to the MS4, including any sanitary sewer connected to the MS4 as of the date of the adoption of this article.
- (3) Connect, or cause or allow to be connected to the MS4, without a valid VPDES permit, any structure that conveys any liquid other than stormwater or discharges listed in subsection (b), including, but not limited to, pipes, drains, sanitary sewer lines, washing machine drains or floor drains.

(b) Subject to the provisions of subsection (c), the following activities shall not be in violation of this article:

- (1) Water line flushing;
- (2) Landscape irrigation;
- (3) Diverted stream flows or rising groundwater;
- (4) Infiltration of uncontaminated groundwater;
- (5) Pumping of uncontaminated groundwater;
- (6) Discharges from potable water sources, foundation drains, irrigation water, springs, water from crawl spaces or footing drains;

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- (7) Air conditioning condensation;
 - (8) Lawn watering;
 - (9) Residential car washing;
 - (10) Dechlorinated swimming pool discharge;
 - (11) Discharges or flows from firefighting activities;
 - (12) Any activity authorized by a valid VPDES or state permit.
- (c) In the event any of the activities listed in subsection (b) are found to be a significant contributor of pollutants to be discharged into the MS4, the city manager or his designee shall so notify the person performing such activities, and shall order that such activities be ceased or conducted in such a manner as to avoid the discharge of pollutants into the MS4. The failure to comply with any such order shall constitute a violation of the provisions of this article.
- (Ord. No. 2015-9-8A , 9-8-15)

Sec. 31-143. Inspections and monitoring.

- (a) The city manager or his designee shall have the authority to inspect and monitor discharges and sources of potential discharge to the MS4 to ensure compliance with this article at reasonable times and under reasonable circumstances. This includes the right to enter a property when the city manager or his designee has a reasonable basis to believe that a violation of this article is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this article.
 - (b) The city manager or his designee shall also have the authority to initiate enforcement actions in accordance with section 31-144 below.
- (Ord. No. 2015-9-8A , 9-8-15)

Sec. 31-144. Penalties

- (a) Any person who knowingly violates any provision of this article shall be guilty of a Class 1 misdemeanor. Each day that such violation is committed, and each day that such violation is permitted to remain uncorrected, shall constitute a separate offense.
- (b) Any person who, intentionally or otherwise, commits any of the acts prohibited by this article shall be liable to the City of Hopewell for all costs of containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the MS4.
- (c) In addition to criminal penalties outlined in section 31-144(a), any person who, intentionally or otherwise, violates any provision of this article shall be subject to a civil penalty in an amount not to exceed thirty-two thousand five hundred dollars (\$32,500.00) for each day that a violation of this article continues, with a maximum one hundred thousand dollars (\$100,000.00) per order. Civil penalties in excess of this amount must be imposed by a court, in its discretion, but amounts cannot exceed thirty-two thousand five hundred dollars (\$32,500.00) per day per violation. The court assessing such penalties, may, at its discretion, order such penalties to be paid into the treasury of the City of Hopewell for the purposes of abating, preventing or mitigating environmental pollution.
- (d) The city manager or his designee may bring legal action to enjoin the continuing violation of this article, and the existence of any other remedy, at law or in equity, shall be no defense to any such action.

(e) The remedies set forth in this section shall be cumulative, not exclusive; and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.

(Ord. No. 2015-9-8A , 9-8-15)

IU: _____

TYPE: _____

Christina Wilkerson

From: Puricelli, Jeanne (DEQ) <Jeanne.Puricelli@deq.virginia.gov>
Sent: Thursday, March 2, 2023 2:55 PM
To: Christina Wilkerson
Subject: Re: VA0066630 SUO revisions

Christina, I've confirmed that only "substantial modifications" to the pretreatment program require public notice. This is not a substantial modification. An argument could be made about whether this might be a "non-substantial" modification, because it revises a General Pretreatment Regulation in 40 CFR 403, but non-substantial modifications do not require public notice. Also, these changes incorporate the variance that we approved to the General Prohibitions. Because that General Prohibition contains language allowing the Director to approve alternate limits (emphasized below), we don't believe this would be a non-substantial modification.

9 VAC 25-31-770. National Pretreatment Standards: Prohibited Discharges.

5. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40°C (104°F) unless the Director, upon request of the POTW, approves alternate temperature limits;

So bottom line, no need for public notice. Please let me know if you'd like to discuss further. FYI - Deborah is retiring April 1.

Jeanne

From: Christina Wilkerson <cwilkerson@hopewellva.gov>
Sent: Wednesday, March 1, 2023 10:08 AM
To: Puricelli, Jeanne (DEQ) <Jeanne.Puricelli@deq.virginia.gov>
Subject: RE: VA0066630 SUO revisions

Jeanne,

One question for you before I forward this on. What VPDES public notice requirements are there for formal implementation of these updates. Are we required to publish or distribute copies before the language is adopted?

Christina

...Recycle whenever possible - even if others look at you funny...

From: Puricelli, Jeanne (DEQ) <Jeanne.Puricelli@deq.virginia.gov>
Sent: Wednesday, March 1, 2023 9:03 AM
To: Jerry Byerly <jbyerly@hopewellva.gov>
Cc: Dickie Thompson <rthompson@hopewellva.gov>; Christina Wilkerson <cwilkerson@hopewellva.gov>; DeBiasi, Deborah (DEQ) <Deborah.DeBiasi@deq.virginia.gov>
Subject: VA0066630 SUO revisions

IU: _____

TYPE: _____

Please see attached letter. If you need anything further, please let me know.

Respectfully,

Jeanne Puricelli, P.E.
Water Permit Writer
Virginia Department of Environmental Quality
Piedmont Regional Office
4949-A Cox Road, Glen Allen, VA 23060
Cell# 804.720.3682
website: deq.virginia.gov

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R-2



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE:

Application for Tax Exemption for La Iglesia Renacer, Corp; 3604 Woodlawn Street, Hopewell, VA 23860.

ISSUE: The applicant, Ricardo Rodrigues, president and Jose Pietri (Treasurer) seeks tax exemption from local real estate taxes due to his charitable organization status (501(c)(3)) in the City of Hopewell.

RECOMMENDATION: Approve the application at this time.

TIMING:

BACKGROUND: La Iglesia Renacer obtained their charitable organization status in February 2020 from the Internal Revenue Service. They have supplied a copy of their 501(c)(3) certificate , a copy of their Form 1023 (application), mission statement, IRS form 990EZ, Articles of Incorporation, bylaws and their income statement/balance sheet in support of their application. They are now requesting real estate tax exemption status from the City of Hopewell. Their application has been submitted for review.

ENCLOSED DOCUMENTS: see above list of previously submitted documents

STAFF:

Concetta Manker, Interim City Manger
Danielle Ferguson-Smith, City Attorney

FOR IN MEETING USE ONLY

MOTION: _____

SUMMARY:

- | Y | N | | Y | N | |
|--------------------------|--------------------------|-----------------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Rita Joyner, Ward #1 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Michael Harris, Ward #2 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor John B. Partin, Ward #3 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Dominic Holloway, Ward #7 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Jasmine Gore, Ward #4 | | | |

move to classify La Iglesia Renacer as tax exempt as a local church/religious body in accordance with and pursuant to Article X, Section 6, subparagraph (a)(2) of the Virginia Constitution and the §§58.1-3600 et. seq Code of Virginia, 1950.

SUMMARY:

- | Y | N | |
|--------------------------|--------------------------|-----------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Rita Joyner, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Michael Harris, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor John B. Partin, Ward #3 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Jasmine Gore, Ward #4 |

- | Y | N | |
|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Dominic Holloway, Ward #7 |

RECEIVED AUG 10 2022



CONFIDENTIAL

CITY OF HOPEWELL, VIRGINIA APPLICATION FOR EXEMPTION FROM TAXATION REAL PROPERTY AND/OR PERSONAL PROPERTY

Certain property ownerships and uses may be entitled or eligible receive exemption from local real estate and/or taxes pursuant to the Virginia Constitution and/or the Code of Virginia (1950), as amended. These property ownerships and uses include, but are not limited to: (1) churches or religious bodies, (2) non-profit cemeteries or burying grounds, (3) certain libraries and non-profit incorporated institutions of learning, (4) park and playground purposes, (5) patriotic, historical, benevolent, cultural purposes, (6) property of a nonprofit corporation organized to establish and maintain a museum.

This Application for Exemption must be completed in full and filed with the Real Estate Assessor (RE Assessor) or Commissioner of the Revenue (see below) no later than **September 30** prior to the calendar year in which the exemption is requested. If approved, the exemption becomes effective January 1 of the following year.

The undersigned, Iglesia Renacer, Corp., hereby requests exemption from taxation in that property described below, and rendered exempt by the Virginia Code Section _____ or the Constitution of Virginia, Article X, Section 6, subparagraph (a) (2).

_____ By Designation By Classification (check one).

(The Applicant must designate the section(s) of the Virginia Code or Constitution that makes the owner eligible for tax exemption; staff will not assist with this requirement.)

- Real Property Only (File with RE Assessor's Office)
- Personal Property Only (File with COR Office)
- Both (File with RE Assessor's Office)

Applicant/Organization Name: Ricardo Rodriguez, Iglesia Renacer, Corp.

Mailing Address: 3604 Woodlawn St. Hopewell, Va 23860

Property Address: 3604 Woodlawn St. Hopewell, Va 23860

Property Description: LOTS 1 THRU 5, 19 + PT OF 18 PT 30

RES STRIP BLK 9 SUBDIVISION: CEDAR LEVEL

Best Contact Person and Phone: Ricardo Rodriguez, 804-754-6842

The owner of the property is a/an: Corporation
 Partnership
 Sole Proprietorship
 Unincorporated Association
 Individual

The owner is operating as a: For-profit entity
 Non-profit entity

For what purpose was the owner chartered, incorporated or otherwise in existence? _____

This church, Iglesia Renacer, Corp. was organized based on our Mission Statement and Vision Statement as a corporation exclusively for charitable, religious and educational purposes that qualify as exempt organization under section 501(c)(3) of the Internal Revenue Code.

Does the organization provide service(s) for the common good of the public? Y / N (Circle One)

One) If yes, explain in detail the specific services and how such is for the common good of the public: As part of our community outreach services, the church conducts sessions to feed, to clothe, to give out personal hygiene products and to distribute educational literature twice a year in the cities of Hopewell and Petersburg - VA.

Do the activities of the organization involve participating/intervening in any political campaign on behalf of any candidate for public office, or attempting to influence legislation or carry on propaganda? Y / N (Circle One)

For what purpose(s) is the subject property being used? Be specific. If there are several types of use, indicate such usages by areas of the building(s), floor location(s), and land allocation:

All areas of the buildings floor locations and land allocation are used for charitable, religious and educational purposes.

For each parcel of real estate, provide tax map number(s), acreage, and the assessed value(s) for the last three tax years: Parcel ID: 025-0295

MAP number: ~~03629~~⁰³⁶²⁹, LOT ACREAGE: 0.737

ASSESSED VALUE! 2019: \$266,800 2020: \$266,800 2021: \$275,000

*MAP NUMBER
03629

Does any individual or entity other than the property owner occupy or use any part of the premises? Y / (N) (Circle One) If yes, please provide details _____

Does the owner receive any income/revenue from the use of the subject property? If yes, detail whether such proceeds are in the nature of rent or reimbursement for services, and how such income/revenue is utilized by the owner:

NO

Does the organization hold a license issued by the Virginia Alcoholic Beverage Control Board for use on the subject property?

NO

For any tangible personal property, identify the assessed value(s) for the last three tax years:

NO / N/A

Does any director, officer or employee of the organization receive any monetary supplement to his or her salary?

NO

Documentation to be attached to application: *See tabs*

- 501(c)(3) Certificate *Letter 947 (Rev. 2-2020)*
- Copy of Form 1023 ("Application for Recognition of Exemption")
- Mission Statement
- Most recently filed IRS Form 990 or 990EZ
- Articles of Incorporation, if applicable
- By-Laws, if applicable
- Financial Statement for the preceding year ; *Income Statement*
Balance Sheet

Additional pages

I, Ricardo Rodriguez, under penalty of perjury, do hereby certify that the information provided and attached to this Application for Tax Exempt Status, is true and accurate, to the best of my knowledge. I acknowledge that knowingly providing false information may result in criminal charges pursuant to Code of Virginia § 58.1-11, and the denial or revocation of tax exemption applied for and/or granted as result of this application. I acknowledge that the organization I represent may be subjected to audit(s) by the RE Assessor and/or Commissioner of the Revenue to ensure that all information provided herein is and remains true and correct. I acknowledge that an exemption granted hereunder by the City Council for the City of Hopewell, Virginia may also be revoked by the Hopewell City Council.

Signed: _____
Date: 8/7/2022
Title: Director - Trustee
Printed Name: Ricardo Rodriguez
Owner: Iglesia Renacer, Corp.

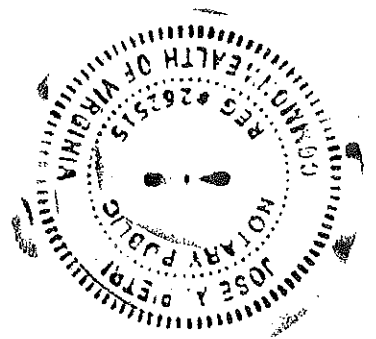
STATE OF VIRGINIA #220807

CITY/COUNTY OF Hopewell

Subscribed and sworn to before me this 7th day of August, 2022.

MY COMMISSION EXPIRES: ~~# 2625~~ 28 February 2025

Jose A. Petri
NOTARY PUBLIC # 262515



FOR INTERNAL USE ONLY

DATE RECEIVED: _____

REQUEST APPROVED BY CLASSIFICATION _____ DATE: _____

VIRGINIA CODE SECTION/CONSTITUTION OF VIRGINIA: _____

REQUEST APPROVED BY DESIGNATION _____ DATE: _____

REVENUE IMPACT: _____

___ FORWARDED TO CITY ATTORNEY FOR DETERMINATION BY CITY COUNCIL

___ COUNCIL REQUEST DENIED

___ COUNCIL REQUEST APPROVED ORDINANCE # _____

Signature: _____

R-3



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: **Resolution Amending the FY23 City Budget – American Rescue Plan Act Funds**

ISSUE: Appropriating \$92,670.00 of Federal ARPA Funds to General Fund (011)

RECOMMENDATION: Staff recommends City Council appropriate a total of \$92,670.00 to General Fund (Fund 011) for the Bridge and Emergency Vehicle Rating Inspections.

TIMING: Action is requested at March 28, 2023 regular council meeting.

BACKGROUND:

Congress passed and the President signed the American Rescue Plan Act (ARPA) of 2021, which for the first time provided direct funding to localities. The City has received a total of \$9,990,813 in two (2) tranches (payments), first in 2021 and the second in 2022. The City has received \$5,622,819 for the "Metro Cities" allocation and an additional \$4,375,944 for the "Counties" allocations. The City has received both payments of each allocation for a total of \$9,998,813. The funds have to be obligated by 2024 and spent by 2026.

ENCLOSED DOCUMENTS:

STAFF: Maurice Wilkins, Engineering

FOR IN MEETING USE ONLY**SUMMARY:**

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Rita Joyner, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Michael Harris, Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Mayor John B. Partin, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Dominic Holloway, Sr., Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor Jasmine Gore, Ward #4			

MOTION: _____

Roll Call

SUMMARY:

- | | | |
|--------------------------|--------------------------|-----------------------------------|
| Y | N | |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Rita Joyner, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Michael Harris, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor John B. Partin, Ward #3 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Jasmine Gore, Ward #4 |

- | | | |
|--------------------------|--------------------------|--|
| Y | N | |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Dominic Holloway, Sr., Ward #7 |

**A RESOLUTION
AMENDING THE FISCAL YEAR 2022-2023 OPERATING BUDGET
FOR AMERICAN RESCUE PLAN ACT FUNDS
RECEIVED FROM THE FEDERAL GOVERNMENT**

WHEREAS, the City Council of the City of Hopewell accepted and adopted its original budget on June 30, 2022 for FY23; and

WHEREAS, the coronavirus pandemic was an unanticipated event for which a public health emergency was declared; and

WHEREAS, federal aid has been made directly available to assist the cities in responding to the public health emergency and its negative economic impacts; and

WHEREAS, the City of Hopewell has received a total of \$9,998,813 in funds from the American Rescue Plan Act in two tranches over two years; and

WHEREAS, the City Council budgeted the first tranche of \$4,999,406.50 in American Rescue Plan Act funds by Resolution at the July 13, 2021 meeting of City Council; and

WHEREAS, the City Council budgeted the first tranche of \$4,999,406.50 in American Rescue Plan Act funds by Resolution at the August 9, 2022 meeting of City Council; and

WHEREAS, the appropriate advertisements and public hearings, as required by Section 15.2-2507 of the Code of Virginia, have been conducted; and

WHEREAS, the proposed operational expenditures are to be obligated no later than fiscal year 2024

WHEREAS, the proposed operational expenditures are to be completed no later than fiscal year 2026

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hopewell hereby approves and adopts the Fiscal Year 2023 budget amendment and appropriate all funds as set forth in the resolution below:

GENERAL FUND -- FUND 011	AMOUNT
Appropriations	
Bridge and Emergency Vehicle Rating Inspection	\$92,670.00
Total -- General Fund (011)	\$92,670.00

ADOPTED BY THE CITY COUNCIL OF THE CITY OF HOPEWELL ON MARCH 28, 2023.

Witness this signature and seal

Johnny Partin, Mayor
City of Hopewell

VOTING AYE:
VOTING NAY:
ABSTAINING:
ABSENT:

ATTEST:

Alyson Reyna, Interim City Clerk
City of Hopewell



Attachment A

City of Hopewell, VA

Bridge Inspections and Load Ratings

Project Description:

This task order consists of completing a bridge safety inspection and report and load rating for the following bridges:

- 8000 – River Road over Cabin Creek
- 8001 – East Broadway Ave. over Associated Asphalt Spur Track
- 8002 – 6th Avenue over Norfolk Southern Railroad (NSRR)

The following scope of work outlines the services that will be provided to the City of Hopewell.

Scope of Work:

1. Review existing inspection reports and plan and schedule equipment and traffic control for inspections
2. Coordinate with Norfolk Southern Railroad (NSRR) and Associated Asphalt to obtain necessary right of entry permits and railroad flaggers
3. Perform bridge safety inspections following VDOT and FHWA regulations
4. Take measurements of bridge components to obtain dimensions necessary to load rate the bridges. Concrete depth and approximate rebar location will be obtained by Nexco. See attached scope and fee.
5. Write bridge safety inspection reports
6. Complete load rating using AASHTOWare BrR version 7.1 (Bridges 8001 and 8002) and CANDE (Bridge 8000) following VDOT load rating guidance

Deliverables:

1. Draft Inspection Report
2. Final Inspection Report
3. Signed and sealed load rating summary form
4. Load rating supporting calculations (excel file) and AASHTOWare BrR and/or CANDE file

Schedule:

1. Field Inspection..... Start no later than May 26, 2023
2. Draft Inspection Report 60 days after start of inspection (dependent on timely response from NSRR in scheduling flaggers for the inspection)
3. Final Inspection Report..... Within 2 weeks of receipt of comments
4. Load Ratings..... Within 90 days after field measurements are obtained

Fee Summary:

HDR proposes to perform the above scope of work for a lump sum, with a breakdown of services as shown below:



- 8000 – \$33,230 (includes ~ \$5,950 in direct expenses)
- 8001 – \$20,200 (includes ~ \$9,070 in direct expenses)
- 8002 – \$29,400 (includes ~ \$15,210 in direct expenses)

Direct expenses are estimated and will be billed at actual cost.

Subconsultant Nexco: \$9,840.49

Total \$92,670

The following services are excluded from the above scope of services but can be provided upon approval of additional scope & fee:

1. Portions of the bridge that cannot be accessed safely or have accessed blocked by vegetation, etc. will not be inspected.
2. Exact dimensions and locations of the steel reinforcing. Approximate rebar location will be obtained from Nexco's GPR scans and assumption will be made to complete the load ratings about rebar dimensions.

R-4



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: ‘Art on the ART’ (Community Artwork) - Sturgeon Project Sculpture Showcase

ISSUE: The department of Recreation and Parks is seeking approval from City Council to allow a sturgeon sculpture to be placed in City Park.

RECOMMENDATION: City Staff recommends that the sturgeon sculpture be showcased temporarily at City Park for a duration of no more than one year from installation.

TIMING: Action is requested at the March 28, 2023 meeting of Hopewell City Council.

BACKGROUND: In 2021 CultureWorks presented the opportunity to solicit artists to submit artwork to be showcased along the Appomattox River in various parks or public spaces to the previous City Administration. CultureWorks’ goal for this project is to create public art for the enjoyment and pride of the local community as well as to raise awareness of local non-profit organization, Friends of the Lower Appomattox River’s (FOLAR) mission, “to conserve and protect the Appomattox River for all to enjoy.” CultureWorks would spearhead this project and allow the artists to submit their designs, the Hopewell Downtown Partnership sought and received a grant to fund the artist, and Hopewell Recreation and Parks would provide the venue of City Park. The selected artist for Hopewell is Kirk Thore.

ENCLOSED DOCUMENTS: None

STAFF: Tabitha Martinez, Director of Recreation and Parks

SUMMARY:

- | | | | | | |
|--------------------------|--------------------------|-----------------------------------|--------------------------|--------------------------|--|
| Y | N | | Y | N | |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Rita Joyner, Ward #1 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Michael Harris, Ward #2 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor John B. Partin, Ward #3 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Dominic Holloway, Sr., Ward #7 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Jasmine Gore, Ward #4 | | | |

FOR IN MEETING USE ONLY

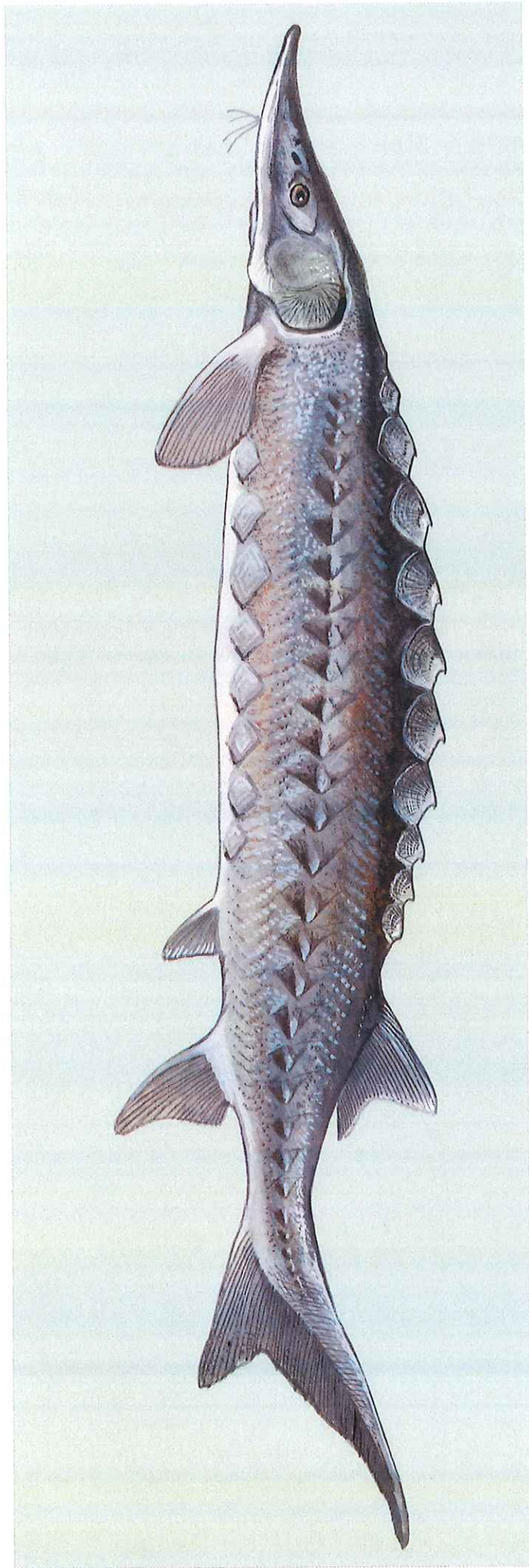
MOTION: _____

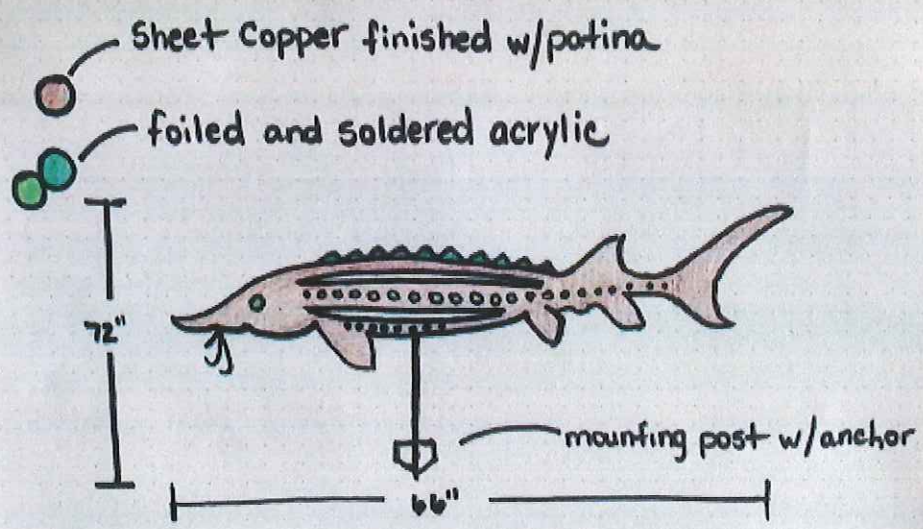
Roll Call

SUMMARY:

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Rita Joyner, Ward #1
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Michael Harris, Ward #2
<input type="checkbox"/>	<input type="checkbox"/>	Mayor John B. Partin, Ward #3
<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor Jasmine Gore, Ward #4

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Dominic Holloway, Sr., Ward #7





FEMALE ATLANTIC STURGEON

R-5



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: Land and Water Conservation Fund Opportunity Update

ISSUE: The Department of Recreation and Parks was authorized to proceed with a 50% match of local funds from the Department of Conservation and Recreation’s Land and Water Conservation Fund (LWCF) at the Special Meeting on March 14, 2022. The entire project is estimated at \$2,800,000, and the City’s portion is \$1,400,000. The LWCF did not fund the Marina project in the first round of disbursement because an environmental analysis was not submitted. The City must complete an environmental analysis to resubmit the request to the LWCF. At the time of approval, the City’s match was not allocated to a capital project. Currently, Staff is requesting the allocation of \$1,400,000 into a capital project in preparation for the upcoming resubmission deadline. City Staff is seeking Council’s direction to continue the current path or explore additional options for the Marina.

Pros: Reduction of liability to the City, equitable access to the riverfront, improved access for persons with disabilities, direct connection to Hopewell Riverwalk and Riverside Park Greenway, expanded and improved public fishing area, and pedestrian infrastructure.

Cons: Land perpetuity, loss of future development opportunities, loss of permeant slips, potential loss revenue.

RECOMMENDATION:

1. City Staff requests authorization to resubmit the approved Marina Concept plan application to the LWCF.
2. City Staff is requesting the allocation of \$1,400,000 to fund the City’s matching portion of the LWCF grant.

SUMMARY:

- | Y | N | |
|--------------------------|--------------------------|-----------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Rita Joyner, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Michael Harris, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor John B. Partin, Ward #3 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Jasmine Gore, Ward #4 |

- | Y | N | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Dominic Holloway, Sr., Ward #7 |

3. City Staff is requesting the allocation of \$20,000 to complete an environmental analysis of the Marina for any path forward City Council desires.

TIMING: Action is requested at the March 28, 2023 meeting of Hopewell City Council.

BACKGROUND: The Recreation and Parks department pursued a grant opportunity through the Land and Water Conservation Fund to create a new public recreational space at the Hopewell City Marina site. The new area will support broader community access to the waterfront and introduce new and improved recreational opportunities. The funding opportunity requires a 50% match of local funds, which was approved at the special council meeting on March 14, 2022. This opportunity also requires the entire park (both parcels) be placed in perpetuity as a condition of the LWCF. The total project cost of the current design is estimated to be \$2,800,000. The City has agreed to allocate the \$1,400,000 if the grant is awarded however has yet to identify a funding source. This application requires an environmental assessment estimated at \$20,000 to finalize the application and will take up to three months to complete. Additional deadlines for this opportunity are June 2023 and January 2024.

ENCLOSED DOCUMENTS:

- **Waterfront Concept Plan Presentation 2022**
- **Lwcf-faq**
- **LWCF-01-DCR-Application-City of Hopewell**
- **LWCF-06-Boundary Map-City of Hopewell**
- **LWCF-07-Site Plan-City of Hopewell**

STAFF: Tabitha Martinez, Director of Recreation and Parks

FOR IN MEETING USE ONLY

MOTION: _____

Roll Call

SUMMARY:

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Rita Joyner, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Michael Harris, Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Mayor John B. Partin, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Dominic Holloway, Sr., Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor Jasmine Gore, Ward #4			

Hopewell City Marina

Planning Discussion

City Council Work Session
February 22, 2022

Hopewell Recreation and
Parks



Overview

- I. Review of Existing Conditions
- II. Operational Challenges
- III. Options for Redevelopment
- IV. A Waterfront for All Concept Plan
- V. Requested Action
- VI. Questions



Existing Conditions: L-Dock

Significant Concerns

- Roof deck failure
- Roof structure failure
- Cross-sectional loss of structural pilings
- Significant wood rot
- Building out of plumb

Recommendation: Demolition

Existing Conditions: L-Dock



Image: Thousands of holes are clearly visible in the roof deck on L-Dock. The failed roof system has led to severe degradation of structural elements.

Existing Conditions: L-Dock

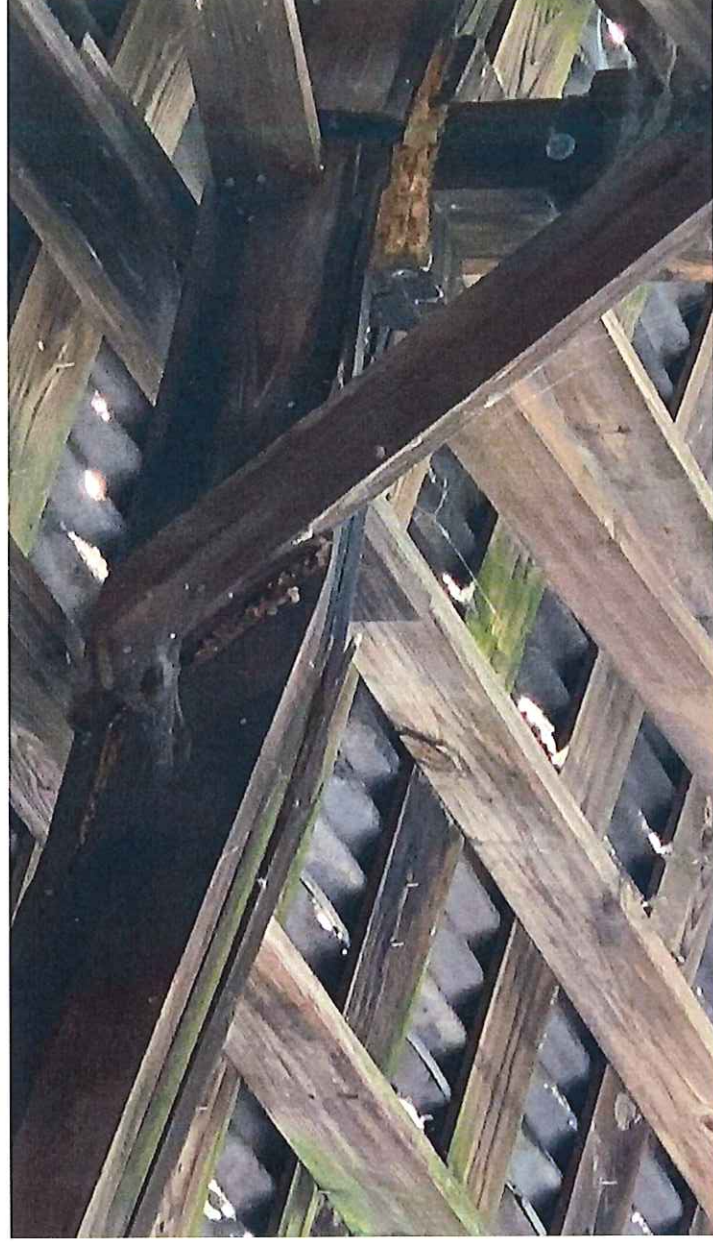


Image: A roofing support beam on L-dock has completely failed due to rot. The damaged beam was replaced at a cost of \$9,000.

Existing Conditions: L-Dock

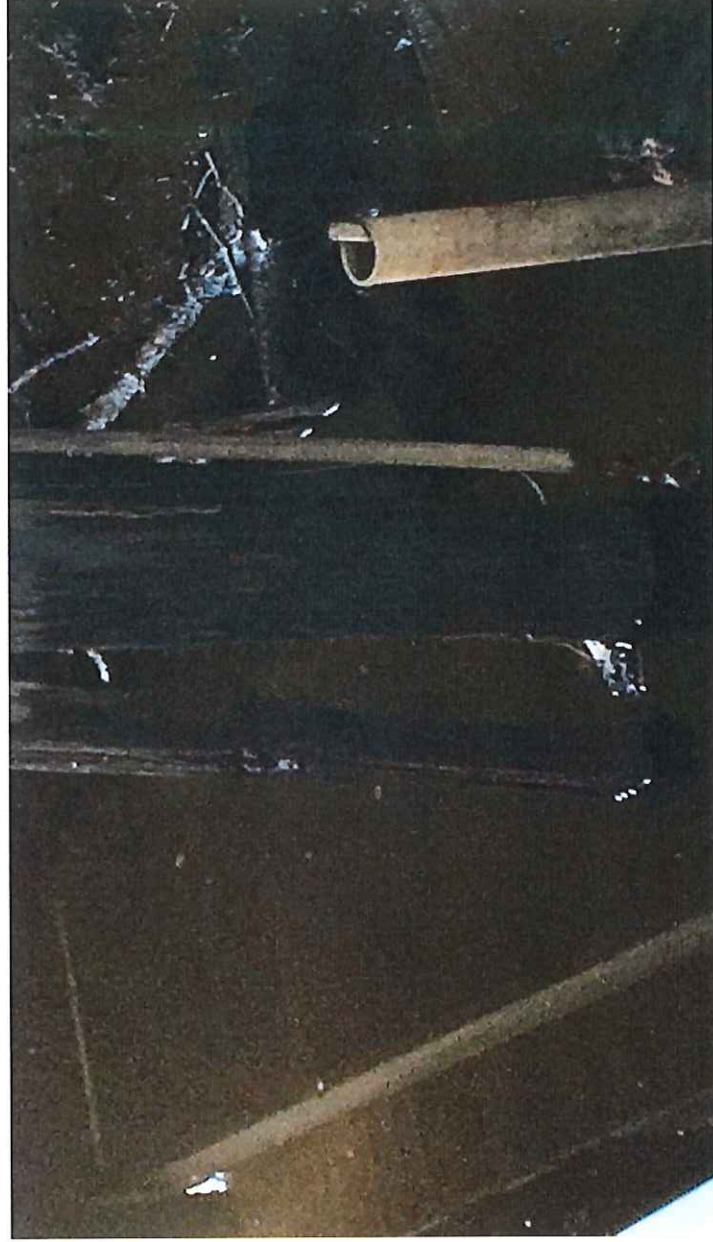


Image: A piling with significant cross-sectional loss is shown on L-Dock at the Hopewell City Marina. This piling is load-bearing and supports the roof structure.

Existing Conditions: M-Dock

- Decking failure
- Support joist failure
- Piling instability



Existing Conditions: M-Dock

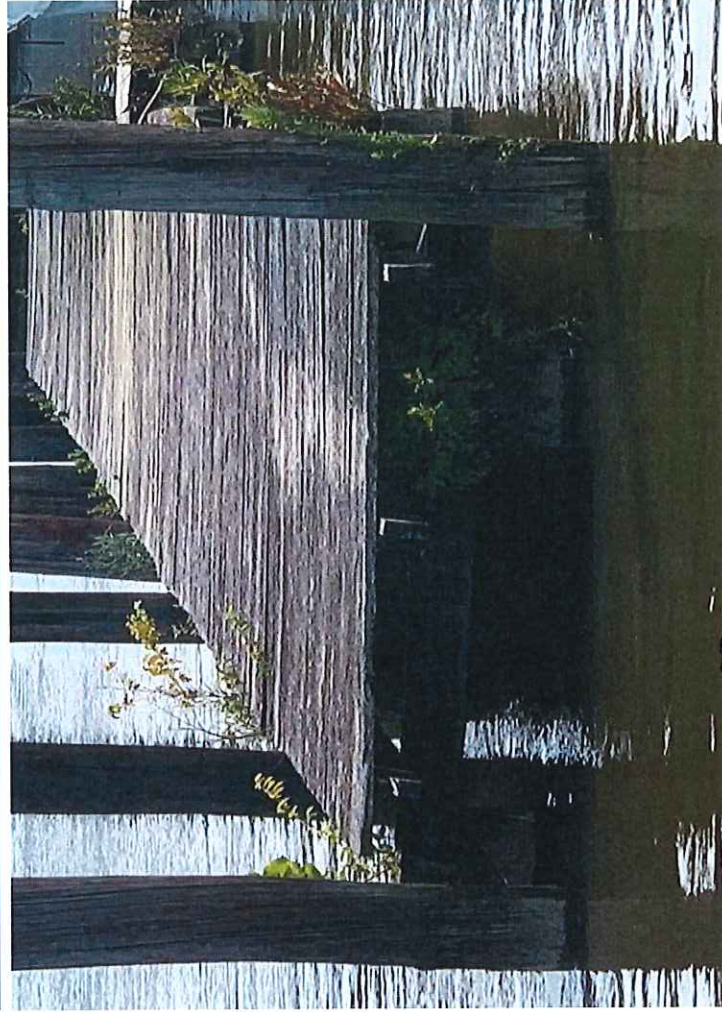


Image: M-Dock exhibits serious degradation of pilings and decking. Gaps in wood are large enough to accommodate vegetative growth.

Existing Conditions: N-Dock

- Less significant issues than L-Dock and M-Dock
- Roof and beams repaired after recent storm damage
- Pilings exhibiting some degradation at transition zone
- Structural elements no longer aligned

Existing Conditions: N-Dock

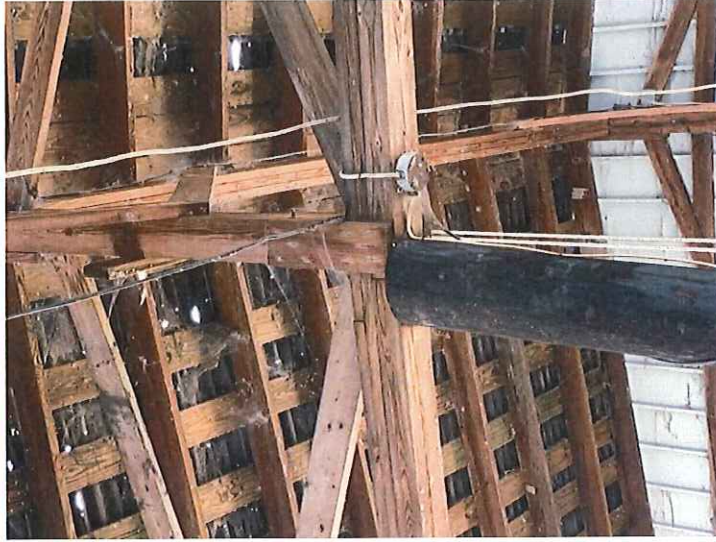


Image: The first image shows missing roof panels after a thunderstorm in 2021. The repairs cost more than \$20,000 to complete. The second image shows misaligned pilings and roof supports, bringing into question the stability of the entire structure.

Operational Challenges

Age of Boat Shed
Structures and Main
Boardwalk

Cost of
Repairs/Routine
Maintenance/
Dredging

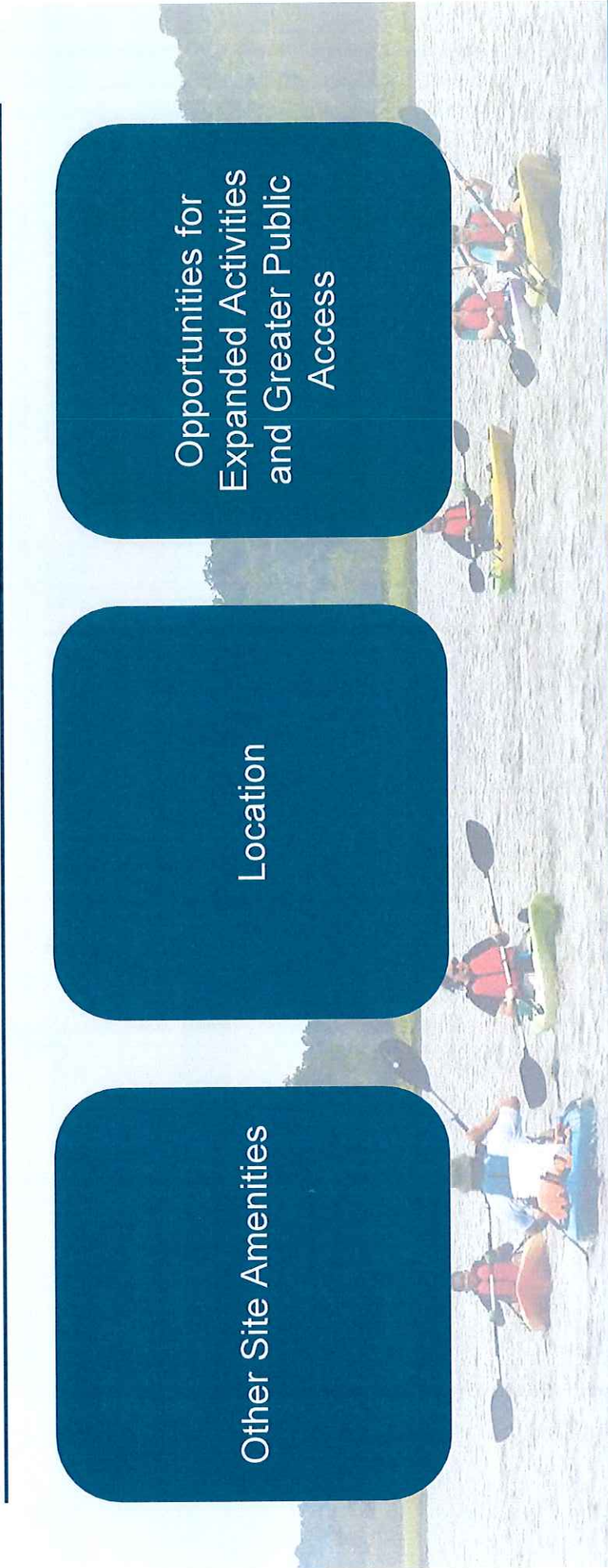
Rental Management/
Contractual Leasing

Operational Strengths

Other Site Amenities

Location

Opportunities for
Expanded Activities
and Greater Public
Access



Paths Forward

Demolish and
rebuild to sustain
marina operations

Sell to private owner
with boat ramp
retained as a public
asset

Re-develop into a
public waterfront
space with additional
recreational
opportunities

A Waterfront for All Concept Plan



Waterfront Concept Plan Key Features

- Public event space for concerts, tournaments, and other special events
- Improved access to boat ramp
- Direct connection to Hopewell Riverwalk and Riverside Park Greenway
- Improved access for persons with disabilities
- Expanded watersports opportunity/commercial outfitter
- Expanded and improved public fishing area
- Pedestrian infrastructure
- Environmental improvements
- Public art installations
- Nature-inspired play space

Funding Opportunities

- Land and Water Conservation Fund
- Boating Infrastructure Grants
- Public art funding opportunities
- Local philanthropic organizations
- Environmental conservation funding
- American Rescue Plan Funds



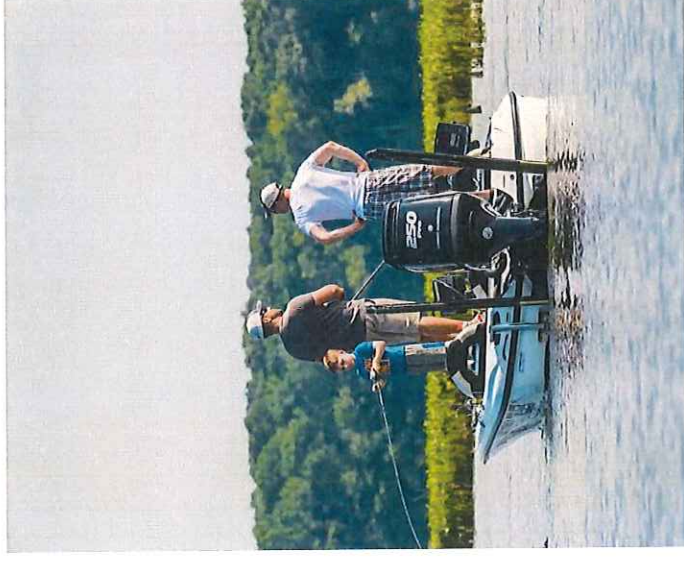
Waterfront Concept Goals

- Improve access to outdoor recreation and active lifestyle opportunities for the entire community
- Improve gateway aesthetics
- Enhance opportunities for economic development
- Connect with other public waterfront sites



Next Steps

- Adopt Waterfront Concept
- Approve LWCF Grant Application
- Public Information Session 3/7/22
- Submit LWCF grant application



Questions and Comments

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Frequently Asked Questions

What are examples of eligible LWCF projects?

LWCF assistance is available to political jurisdictions for land acquisitions and/or development of public outdoor recreation areas. *For the 2020 grant cycle, DCR will only be accepting proposals for acquisition.*

Who may apply?

Eligible applicants include cities, towns, counties, Native American Tribes, regional park authorities and state agencies. Private individuals and organizations, including non-profit and charitable organizations, are not eligible for funding assistance. All eligible applicants compete for LWCF funds.

What are the maximum and minimum grant award funding levels?

The minimum grant award request amount is \$250,000 (minimum total project cost \$500,000). There is no maximum award request amount for the 2020 grant cycle.

Are matching funds required?

Yes, the LWCF program is a 50-50 matching reimbursement program. Project sponsors do not receive funds at the time of approval. The applicant must, in essence, incur 100 percent of the total project cost; submit evidence of eligible expenditures and payment thereof and request reimbursement from DCR.

Are there any long-term commitments associated with this program?

Yes. Properties acquired, improved or developed with LWCF assistance must be open, maintained and operated in perpetuity for public outdoor recreation. Other commitments include proper maintenance and operation, nondiscrimination, posting of a Land & Water Conservation Fund Acknowledgment sign, and maintaining the integrity of the 6(f)(3) protected area boundary. More information associated with grantee compliance and commitments is available online under "Program Requirements".

What does "in perpetuity" mean?

The phrase "in perpetuity" means forever. Parkland acquired and/or developed with LWCF assistance must be open and remain as public outdoor recreation facilities forever. LWCF requires that restrictive wording be placed in the deed of the LWCF assisted the property is protected in perpetuity in accordance with the Land & Water Conservation Act. Evidence that this restriction on the property has been recorded in the local court records is required prior to processing final reimbursement on the project.

What is the 6(f)(3) metes and bounds map?

The 6(f)(3) boundary is the legal description, metes and bounds, of the area that is being protected in perpetuity by Section 6 (f) (3) of the Land and Water Conservation Fund Act of 1965. Section 6(f)(3) states that the property acquired, developed or improved with LWCF assistance shall not be converted to uses other than public outdoor recreation. The 6(f)(3) boundary ensures that the area defined by the boundary is a viable recreation unit. The 6(f) boundary map goes on record with the locality, National Park Service and the Department of Conservation and Recreation showing the area being placed under protection of the Land & Water Conservation Act.

What is Section 6(f)(3) of the LWCF Act?

Section 6 (f) (3) of the Land & Water Conservation Act states that: “No property acquired or developed with assistance under this section shall without approval of the Secretary [of the Interior] be converted to other than public outdoor recreation uses”. The LWCF program realizes that in certain instances there is no alternative to converting a portion of a LWCF property. In those cases where there is no feasible alternative, a conversion of use process must be initiated with DCR. In short, the conversion of use process requires that a suitable piece of replacement property be found before a conversion occurs at a LWCF site. “Suitable” means equivalent in fair market value and can serve as a viable public outdoor recreation area without reliance upon adjoining or additional areas. In order for the section 6 (f)(3) regulation to be enforced, the following language is to be incorporated into the deed and recorded in the city, town or county courthouse of the project area:

The property identified has been acquired or developed with federal assistance provided by the National Park Service of the Department of the Interior in accordance with the Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C. 4601-5 et seq. (170 ed.). Pursuant to a requirement of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale, or in any other manner) without the express written the Secretary of the Department of the Interior, or his designee. By law, the Secretary shall approve such conversion only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP) and only upon such condition as the substitution of other recreation properties that are of at least equal fair market value and of reasonably equivalent usefulness and location.

I want to use donated land as match - Can it be property already owned by applicant?

No.

Must the environmental review and public commenting requirements be completed to submit an application?

Public commenting and environmental analysis should be a part of the normal planning processes for any land activity. Applicants are encouraged to review the public commenting and environmental review requirements in the *2020 Land and Water Conservation Application Manual* before selecting which projects to compete for funding. Formal coordination for purposes of Section 106 of the Historic Preservation Act, Section 7 of the Endangered Species Act, etc. are not required to submit an application to compete for LWCF funding. However, the coordination is required prior to approval and issuance of any LWCF grant. It is important to start this process as soon as possible.

I am acquiring/developing a park facility that may only be used during certain seasons and/or months of the year and by appointment. If funded through LWCF, is it permissible to close the facility during the non-use days or months or after the appointment is over?

No. LWCF guidelines state that the park facility must be open during reasonable hours for public use. Some exceptions include wet field conditions, during lightning storms, etc. dependent upon recreation facility type. Even if it is the "off-season" for programming, the park must remain open and accessible to the general public.

Is the applicant required to place the property in perpetuity for public outdoor recreation to be eligible to submit an application to compete for funding?

No. However, projects selected for funding are required by law to record a deed containing the LWCF Act 6(f)(3) restriction in the locality's land records. A copy of the recorded deed with the accompanying 6(f)(3) metes and bounds map is required as part of the project close out documentation in order to be reimbursed.

Are any other costs incurred during the acquisition process eligible for LWCF reimbursement?

No. All costs associated with legal fees, environmental review, appraisal, etc are the responsibility of the applicant.



Land and Water Conservation Fund Virginia 2022 DCR Application Form

Please read the **Virginia LWCF 2022 Application Manual** before completing this application. Guidance on completing this form and other application requirements can be found in **Appendix A: Application Resources**.

2022 DCR Application Form
Section A – Applicant Information
1. Project Sponsor Name City of Hopewell
2. Contact Person Name & Title Aaron Reidmiller
3. Project Sponsor Street Address 100 W. City Point Road
4. Mailing Address (if different from street address) Click or tap here to enter text.
5. Telephone Number 804.541.2353
6. Contact Person E-mail Address areidmiller@hopewellva.gov
7. Name and E-mail Address of person to receive notification of application status <i>if</i> different from contact above Click or tap here to enter text.
8. Applicant Type (type one) <ul style="list-style-type: none">▪ Municipality (city, town, county),▪ Tribe,▪ State agency, or▪ Regional park authority Municipality

Section A – Applicant Information

9. US Congressional District Number

VA 4

10. Virginia State Senate District Number

16

11. Virginia House District Number

62

Section B – Project Details

12. Project Title

Hopewell City Marina Master Plan

13. Award Request Amount (up to 50% of total cost but not more than \$2 million)

\$1,400,000

14. Total Project Cost (100%)

\$2,800,000

15. Project Type (type one)

- Acquisition,
- Development, or
- Combination Acquisition and Development

Development

16. Current or future name of the park

Current Names: Hopewell City Marina and Riverside Harbor Park

17. Latitude and Longitude (entrance to the park)

37.310009, -77.298462 & 37.310402, -77.299653

18. Tax Parcel ID Number

118300-36375-660003 & 118300-36375-311511

19. Property Street Address (if there is no street or 911 address, then provide driving directions to the park from 600 East Main Street, Richmond, Virginia 23219)

1051 Riverside Ave, Hopewell, VA 23860

20. Current Property Owner (as outlined in the application checklist, acquisition projects must also include willingness to sell letter or statement from landowner)

City of Hopewell

Section B – Project Details

21. Indicate the total number of acres that, if awarded, will be placed in perpetuity for public outdoor recreation as required by section 6(f) of the Land and Water Conservation Fund Act

7.94 acres

22. Project Scope (Quantitatively indicate in miles, linear feet, square feet, acres, numbers, or other applicable unit/s what the project will accomplish).

Examples: Grade and install 3600 square foot gravel parking lot, construct two ADA accessible asphalt paved parking spaces, install 64 square foot single user ADA accessible vault toilet, construct 200 linear feet of 5 foot wide crushed stone pathway, and install one vertical trail information sign at Riverside Park in Town Name, Virginia.

Purchase 32 acre property from private landowner for future development of community playground, picnic area, and walking trails.

The Hopewell City Marina Master Plan project will include a variety of site features and amenities to support outdoor recreation for all ages and ability levels including a 900-sf covered performance stage, a 15,000-sf public event pier, 8 covered river swings, 10 outdoor seating spaces, 8 ADA compliant accessible dock ramps, a 900-sf floating watersport dock, 5,000-sq floating transient slips/courtesy docks, 0.5 acres of native meadow, 125 flowering trees, one half acre of permeable parking infrastructure, a 15,000-sf nature-inspired playground, a 1,200-sf overlook pavilion, a 3,000-sf fishing promenade, and a tiered overlook at the enhanced Hopewell City Marina, which will combine and improve upon the recreational assets of the existing 4-acre Hopewell City Marina and 3-acre Riverside Harbor Park to form one all-inclusive recreational destination for the residents and visitors of Hopewell, Virginia.

Section C – Project Need

23. Indicate how the project will provide needed outdoor recreation opportunities identified in the most recent Virginia Outdoors Plan (VOP) found at <https://www.dcr.virginia.gov/recreational-planning/vop>. Include the page numbers for all VOP references.

The proposed Hopewell City Marina Master Plan project supports six of the ten top outdoor recreation activities by participation identified in the 2017 Virginia Outdoor Demand Survey – visiting natural areas, walking for pleasure, visiting parks, viewing the water, swimming/beach/lake/river, and freshwater fishing (page 2.2). This Master Plan also addresses the top five statewide most needed outdoor recreation opportunities – natural areas, parks, trails, water trails, and historic areas – by expanding access to the Hopewell Riverwalk along the Appomattox River which connects to historic City Point, creating a new native meadow, and enhancing land- and water-based recreational amenities to encourage additional local and regional utilization of existing parkland (page 2.4). In addition, the VOP found that water access was the most-needed outdoor recreation opportunity for the Crater Region, of which Hopewell is a part of. Parks, historic areas, and natural areas were the second to fourth highest outdoor recreation opportunities (page 13.113).

Further, the VOP found that Hopewell has fallen behind the state and the region on per-capita spending on parks and recreation. The statewide spending was \$71.09 per-capita. By comparison, Hopewell's per-capita spending was \$0 (page 13.114). Studies published by the National Institutes of Health have found that increased government funding for parks and recreation services had a significant association with decreased county level mortality. This suggests that Hopewell has a significant opportunity for growth in spending in this area.

Section C – Project Need

24. Is the project listed as a regional feature project in the current VOP? If yes, please list project name as identified in VOP and page number.

The proposed Hopewell City Marina Master Plan project builds on the recommendations outlined in the Appomattox River Trail master plan, a featured project for the Crater region (page 13.114). This master plan calls for improvements to Riverside Harbor Park and sustainment of river access at the existing Hopewell City Marina.

25. Explain if/how the project will expand or link existing outdoor recreation areas or trails.

The proposed Hopewell City Marina Master Plan project will create new linkages to the pending 3,200 linear foot Hopewell Riverwalk, which will eventually be part of a 25-mile network of trails that connect Hopewell with Dinwiddie County known as the Appomattox River Trail. The marina will also connect to the Riverside Harbor Park Greenway Trail, also a section of the Appomattox River Trail network.

26. Is the project located in a priority area for conservation as identified in by ConserveVirginia?

Estimate the percentage of the proposed LWCF Boundary Area that falls within ConserveVirginia.

See Appendix A: Application Guidance section of Application Manual for information on accessing ConserveVirginia map online.

Approximately 25% of the project is located in a ConserveVirginia priority area.

Section C – Project Need

27a. Indicate the project need based on DCR’s Land-based Recreation Access Model or Trust for Public Land’s ParkServe priority areas for new parks (only need to indicate higher of the two).

See Appendix A: Application Guidance section of Application Manual for information on accessing both models online.

- Very High
- High
- Moderate
- Low
- Very Low or No Need.

Low

27b. If very low or no need is identified in the models, explain and provide supporting evidence to show need for land-based recreation.

As Riverside Harbor Park and Hopewell City Marina are existing public outdoor recreation areas, a low land-based recreational priority was identified for the proposed project; however, this project will directly support recreational access for surrounding, high and moderate need areas according to the DCR Land-based Recreation Access Model. In addition, many of the facilities at Hopewell City Marina are aging and have not seen significant renovations in over 50 years. The continued wear and tear on the parks have threatened the safety, accessibility, and functionality of these community assets. At present, the existing boat slips and docks at the marina do not conform to ADA standards and limit public access to only those who can afford to rent slips.

The newly renovated Hopewell City Marina and Park will serve as a regional asset, with unique to the region amenities that will draw in residents and visitors from across the city and surrounding areas including a new playground, a new fishing promenade, event and performance spaces, and greenspace. Improvements to the marina will also increase accessibility to already popular city events including the Rockin’ on the River Concert Series and Fireworks on the Appomattox. These events each attract over 15,000 visitors annually.

In addition, the Trust for Public Land ParkServe data found that the neighborhoods directly surrounding the proposed project are 62.7% low-income and 38% low-income, respectively. By comparison, only 9.9% of Virginia residents are considered low-income. This area is also highly diverse. Of the 724 individuals that live within a 10-min walk of these amenities, 41.9% are Black, 3.3% are Asian, 6.4% are Mixed Race, and 16.7% are Hispanic. The Trust for Public Land also found that public parks in majority black and brown neighborhoods are half the size and almost five times as crowded. This is not surprising as only 2% of Hopewell’s city land is used for parks and recreation. With limited land available for development, it is a priority for the city to maintain and improve upon its existing recreational assets so that they can provide health and quality of life benefits to as many individuals as possible.

Section C – Project Need

28a. *If project will provide water-based recreation* Indicate the project need based on DCR's Water-based Recreation Access Model.

See Appendix A: Application Guidance section of Application Manual for information on accessing model online.

- Very High
- High
- Moderate
- Low or Very Low Need

Low

28b. If low or very low need is identified in the model, explain and provide supporting evidence to show need for water-based recreation.

As previously mentioned, the proposed project is located in a predominantly minority, low-income community. And although 53% of Hopewell residents live within a 10-minute walk of a park, these parks tend to be smaller and more crowded. This is especially true for the City's limited number of water-based recreation opportunities. In addition, the existing dock infrastructure was established during the Hopewell Yacht Club's operation of the marina with the open slips, covered slips and main boardwalk more than 50 years old. This aging dock infrastructure has significantly degraded threatening safety and limiting accessibility.

By improving the limited water-based recreation resources the City has available, more individuals will be able to take advantage of these offerings. In addition, the City plans to convert the now semi-public marina into a fully-accessible public park. This will create expanded opportunities for residents and visitors to access fishing, kayaking, boating, and paddle boarding along the Appomattox River. The project will also create facilities designed specifically for the transient boating community and will address ongoing issues with bulkheads, existing docks, and the boat ramp.

29. Explain how the project will create a new opportunity for a community that does not currently have access to public outdoor recreation opportunities within a 10 minute (1/2 mile) walk or within a 10 mile drive.

If neither condition above is met, but you believe the area is still underserved by public outdoor recreation opportunities, please describe and justify.

The proposed project will create new or improved access to public outdoor recreation opportunities for individuals within a 10-minute walk and 10-minute drive of the existing Riverside Harbor Park and Hopewell City Marina. New site features including a playground, greenspace, pavilion, performance stage, seating, shaded areas, docks, and ramps will create new opportunities for passive and active recreation. All new recreational assets will be ADA compliant and site features will be designed for individuals of all ages and ability levels. New ADA accessibility along with expanded recreational amenities will create opportunities for residents who may have traditionally faced barriers to entry such as the city's large disabled population. According to the US Census Bureau, 19.4% of Hopewell residents live with a disability. By comparison, only 11.8% of the Virginia population live with a disability. The degraded conditions and lack of ADA compliant ramps, docks, walkways, and parking facilities at the existing parks limits the opportunities for public outdoor recreation.

Section C – Project Need

30. Describe how the project will provide equitable experiences for people with disabilities. Do not simply state “will follow ADA” or “will meet all requirements.” Include information on *how* the project will meet the minimum relevant accessibility standards (ADA and ABA), and more broadly, how accessibility considerations will be incorporated beyond the minimum standards (Section 504). *See Appendix B: Accessibility Resources of Application Manual for accessibility resources.*

All project elements will be designed with accessibility and inclusivity in mind. This will include new, ADA compliant dock ramp, new handicap accessibility parking spaces and inclusive playground, accessible riverfront seating, and a covered performance stage. A continuous, unobstructed path will connect all accessible elements and spaces with parking access aisles, curb ramps, crosswalks and vehicular ways, walks, ramps, and lifts.

31. Will the project benefit a community with documented health disparities such as rates of obesity, diabetes, cancer, and/or heart disease greater than the state-wide average rates? If yes, please explain, cite source data and provide link; *see Appendix A: Application Guidance section of Application Manual for optional data sources.*

According to the [Robert Wood Johnson County Health Ranking for 2021](#), Hopewell is ranked among the least healthy counties in Virginia (lowest 0%-25%). This includes poor health indicators compared to the state of Virginia overall such as high rates of obesity (41% vs. 31%), low physical activity (32% vs. 22%), high rates of cancer (154.2 per 100,000 vs. 110.2 per 100,000). Further, [the CDC EPH Tracking Network](#) found that Hopewell has a high prevalence of asthma with 11.2% of adults affected by the disease.

32. Describe the degree to which the community where the project is located is socially vulnerable. This can be identified using the VIMS Social Vulnerability Index or other vulnerability index or mapper (source citation and link must be included). *See Appendix A: Application Guidance section of Application Manual for VIMS model link.*

The [CDC Social Vulnerability Index](#) found that the census tract that comprises the project area had a moderate to high social vulnerability with a score of .6907 (tract 8204). The tract directly adjacent from the project site, located just south across Riverside Avenue, had very high levels of vulnerability with a score of .9772 (Tract 8203). These tracts suffer from high poverty, high unemployment, and low educational attainment. According to the [US Census Bureau](#), Tract 8203 has a poverty rate of 44.5% and Tract 8204 has a poverty rate of 19.2% compared to the Virginia rate of 10.6%. The unemployment rate in Tract 8203 is 7.9% and the unemployment rate in Tract 8204 is 5.5%. The Virginia unemployment rate is 4.6%. While 38.8% of Virginia residents have a Bachelor's degree or higher, only 16.5% in Tract 8203 and 19.7% in Tract 8204 have a bachelor's degree or higher.

33. Is the project located in a community where greater than 50% of the population is considered low income? If no, greater than 30%? *Cite source data; see Appendix A: Application Guidance section of Application Manual for recommended data sources.*

According to the [EPA EJScreen tool](#), 52% of the population living in a one-mile radius around the project site are considered low income. This is in the 90th percentile for the State, 88th percentile for the EPA Region, and 83rd percentile for the US.

34. Will the project, when complete, require an entrance or membership fee? If yes, please describe fee structure and opportunities for reduced fee access, if planned.

Once complete, access to the new Hopewell City Marina and park will be completely free and open to the public 24 hours a day. To reduce barriers to access even further, the City also intends to make the existing fee-based boat ramp use free to the public. Further, existing slip rentals and their associated fees will be removed from the site. The City intends to seek a vendor to lease a platform for kayak and boat rental opportunities as well as continued operations for the on-site ship store (bait, tackle, and supply shop).

Section D – Local Need

35. Describe the process that led to the development of this proposal and how the public was involved, including, if applicable:

- Consultation to date with representatives from historically underrepresented groups.
- Progress to date and future plans for public participation in the planning process, including methods of outreach.
- Presentations to the public through a Board of Supervisors, City or Town Council, or other similar public meeting.
- Whether an official public comment period has been held.
- Describe any plans for future consultation and public input.

The City of Hopewell has undertaken robust public outreach and engagement for the proposed Hopewell City Marina Master Plan. This has included numerous City Council meetings (February 22, March 8, and March 14) and one public information meeting held on March 7. The public meeting had 48 citizens, 7 city staff, and two elected members of the Hopewell City Council in attendance. During this meeting, City staff presented an overview of the current conditions of the marina, provided details on the concept plan, identified potential funding strategies, and outlined the benefits and challenges of moving forward with the concept. In total, 10 citizens signed up to make comments. Further, members of the public have been encouraged to submit comments and questions on the project via writing if they could not make the in-person meeting. No written communications have been received to-date other than requests for meeting information.

In addition to input from City Council and the general public, the City has sought participation from key organizations that represent the needs and interests of historically underrepresented groups in the community including the Special Olympics Virginia, Virginia State University, the Hopewell Downtown Partnership, the Friends of the Lower Appomattox River, and the Hopewell/Prince George Chamber of Commerce. See attached letters of support.

At least one additional public outreach meeting will be held prior to the finalization of any design plans to allow for further public input and ensure that the project is meeting the community's needs and stated goals.

36. Indicate how the project addresses needs identified in local and/or regional plans or surveys. If the acquisition or development project is specifically referenced in a local or regional plan, please also indicate. Attach the relevant pages from these documents or provide a link and page number.

The Hopewell City Marina Master Plan project builds on the recommended improvements outline in the Appomattox River Trail Master Plan, a trail system master plan for the Appomattox River corridor between Lake Chesdin in Dinwiddie and Chesterfield Counties and City Point in Hopewell. Improvements to Riverside Harbor Park were identified as the third highest priority when prioritizing trailheads and parks along the corridor. To identify the top priorities, the master planning team divided the trail system into 62 parts and rated them each in 17 categories. Each part could receive up to 80 possible points. Improvements to Riverside Harbor Park received 75 out of 80 points due to its streambank rehabilitation opportunity, habitat rehabilitation opportunity, connections to existing trails, connections to parks, direct river access, direct neighborhood access, community revitalization opportunity, tourism opportunities, public access (parking), and feasibility of the project.

Appomattox River Trail Master Plan:

<https://www.craterpdc.org/environment/documents/AppRiverPlan2017/ART%20Master%20Plan%20Part%2001-Front%20Section%201-4-Final-Final-4-9-2017.pdf> (pages 3, 51 and 52)

Appomattox River Trail Master Plan Priority Matrix:

<http://www.craterpdc.org/environment/documents/AppRiverPlan2017/ART%20Master%20Plan%20Part%2001-Appendices%20A-F%20-Final-Final-4-9-2017.pdf> (page 63)

Section D – Local Need

37. How is the project unique within the Locality? How is it unique within the County?

The proposed Hopewell City Marina Master Plan will create a one-of-a-kind outdoor recreation destination for the City and the surrounding communities. Once complete, the marina will be the only park in the City to offer exciting water-based amenities including a kayak launch, accessible boat ramp, watersport dock, and fishing promenade as well as provide unique land-based recreational amenities including a tiered overlook, performance stage, and public event pier. In addition, the existing Riverside Harbor Park serves as a trailhead for the Hopewell Riverwalk, a regional asset that received the Governor's Environmental Excellence Award in 2020. The connections to downtown shops and businesses created through the Hopewell Riverwalk, such as the recently opened Boathouse at City Point Restaurant, will also help to spur local economic development. Hopewell has been focusing its revitalization along the riverfront and downtown to form a natural connection between the two economic development hubs. Now, Hopewell has completed the connection between the Hopewell City Marina, Gateway "H" sculpture, the Boathouse at City Point restaurant, City Park and Downtown Hopewell along the Appomattox River as part of a 22-mile regional trail network. By creating a regional destination in the heart of this downtown waterfront area, it will encourage local and regional users of the Appomattox River Trail to stop, stay, eat, and play in Hopewell.

38. List any previously funded LWCF-funded properties within the same jurisdiction of the proposed project and/or sponsored by the same applicant. Indicate the approximate year of LWCF funding.

The City of Hopewell has received one \$60,000 LWCF grant for Riverside Park in 1971.

Section E – Project Readiness

39. Describe the level of site and environmental analysis that has already been conducted for the proposed project. Is the NEPA/NHPA review complete? Has the process been started? Include the agencies contacted and the status of each correspondence. Attach copies of correspondence to date.

The City of Hopewell is underway with the NEPA/NHPA process and has initiated discussions on the proposed project with the Virginia Marine Resources Commission (VMRC) and the Virginia Department of Conservation and Recreation (DCR). In addition, the City has successfully procured HDR Engineering to complete the required environmental and historic resource reviews. City staff, with the support of HDR Engineering, are confident that they can complete these reviews within the next 3 months, prior to the receipt of any LWCF grant funds.

Based on initial conversations with VMRC and DCR, City staff anticipate receiving a categorical exclusion as all activities will take place in previously disturbed or developed areas.

40. *For projects that include development* Please describe the status and level of completeness of any construction drawings for the project. Indicate if any feasibility or preliminary plans have been created.

The Hopewell City Marina Master Plan is currently underway with the planning phase. Conceptual drawings and a preliminary budget have been established by the Timmons Group. The City plans to seek LWCF to complete construction drawings by June 2023, and ensure that the project is shovel-ready by the proposed project construction date of January 2024.

41. *For projects that include acquisition* Indicate whether an appraisal has been conducted of the subject property(ies). Was a UASFLA appraisal completed? Has it been reviewed by a secondary certified appraiser? Indicate the date of appraisal.

Click or tap here to enter text.

Section E – Project Readiness

42. ***For projects that include acquisition*** Describe any purchase agreements with the property owner or letter of commitment from the property owner in place at the time of application. Please include as an attachment.

Click or tap here to enter text.

Section F – Budget and Grant Match

The following two questions should be answered by completing form *LWCF-02-Project Budget.docx*. Do not enter answers in this document.

43. Provide a detailed, itemized budget estimate and budget narrative for the Land and Water Conservation Fund (LWCF) proposal.

44. Identify all funding sources, funding amounts, and funding gaps, if present, for the project.

Section G – Facility Management, Operations, and Maintenance

45. Describe the current and planned management, operations, and maintenance of the park and its facilities. Be sure to address:

- What maintenance will occur and how often will it occur, and who is responsible? -
- Are there formal or informal long-term operations and maintenance plans existing or in development?
- Outline the support staffing that will be dedicated to maintenance and operation of the park. Indicate the number of support staffing that will be provided to operate and maintain the park. Indicate whether staff for maintaining a new park is already available or if additional staffing will need to be hired.
- How will the entity fund routine and preventive maintenance and any new staffing required?
- How expected and potential safety hazards will be mitigated.

Currently, maintenance is contracted out with the lease agreement to the marina operator. Following completion of the project, Hopewell Recreation and Parks, Parks Services division will take over routine maintenance and repair responsibilities of the park. Routine maintenance and repairs are classified as any maintenance item that can be performed within the annual operating budget. Examples of routine maintenance and repairs include mowing, general grounds maintenance, lighting repairs, pavement patches, dock decking board replacement (individual boards), emptying refuse, minor repairs to buildings and grounds, minor repairs to site utilities, general landscaping, and signage maintenance.

Hopewell Recreation and Parks has established a preliminary Maintenance and Repair Plan for the Hopewell City Marina and Park, which identifies tasks and frequencies for mowing and ground maintenance including weekly mowing and trimming, daily litter removal, daily garbage removal, leaf removal as needed, drain cleaning as needed, debris removal as needed, pruning of trees and shrubs as needed, invasive species removal as needed, and seasonal mulching of landscaped areas. In addition, tasks have been identified for the upkeep of all buildings and pavilions including daily inspection of doors/locks/handles/rails, monthly inspection of windows and latches, daily inspection of floors, walls, and ceilings, daily inspection of security systems, weekly inspections of electrical systems, monthly inspections of HVAC systems, and annual plumbing, furniture/fixture, siding, roofing, caulking, vent, and foundation inspections. Additional tasks have been identified for the site's docks including daily deck board and railing inspection, annual piling and framing inspection, weekly shade structure inspection, monthly electrical, lighting, floating systems, and gangways inspection, weekly corner guard inspection, monthly pump-out station inspection, and signage inspection as needed. Tasks to ensure the safety and serviceability of the playground equipment including weekly surfacing inspection, monthly bolt/fastener inspection, monthly platform/slides/covers inspection, monthly swing inspection, monthly inspection of spinning components, monthly inspection of fitness equipment, monthly inspection of rope/netting, and annual inspection of footing/structural posts. Finally, task have been identified for the trails, sidewalks, parking, and boat ramp surface including annual pavement condition, concrete condition and striping inspections, and inspection of the directional signage, edge of trail surface, and crosswalk markings and signage as needed.

For all skilled trade work or projects too large to be completed in-house, qualified contractors will be procured for the completion of specific maintenance and repair tasks. All repair and maintenance tasks that are too large to be considered part of the routine maintenance plan will be addressed in the department's capital improvement plan. Such items would include dredging, roof replacement, parking lot paving, dock re-construction, HVAC replacement, and other large repairs that are not of an emergency nature. A comprehensive capital operations plan should supplement the proposed Maintenance and Repair Plan as the method to address these tasks and other large and costly maintenance functions. Capital project budgeting will be inclusive of the marina as it will serve as a high-volume site for heavy visitation, particularly during the boating season.

Section H – Certification

On behalf of the City of Hopewell,

I hereby certify the information contained in this form and other application documents is true and correct. I understand this application will be rated on the basis of the information submitted and the submission of incorrect data or an incomplete application can result in this application being withdrawn from consideration for funding.

I hereby certify the applicant will comply with all applicable local, state, and federal laws and regulations.

I hereby certify the availability of funding and commitment of funding for the total project costs as represented in this application.

I hereby certify that the applicant understands that the LWCF program reimburses at 50% and that documentation verifying expenditures must be submitted to DCR in order to receive payment, whether partial or in full.

I hereby certify that, if authorized by NPS, the property will be placed under Section 6(f) protection of the Land & Water Conservation Act and that wording to such effect placed in the deed of the property. Further, I certify that necessary coordination with interested parties was involved during the development of the LWCF Boundary Area.

If it is determined that we, the applicant, cannot move forward with the project as described, we will contact DCR LWCF Grant Staff in writing with justification and official notification of withdrawal.

Signed on: March 15, 2022

Signature: 

By Name: John M. Altman, Jr.

Title: City Manager

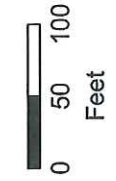
This application form, along with other application materials, must be submitted via email to recreationgrants@dcr.virginia.gov by 4:00 pm on March 15th, 2022.

If your document file or email size is larger than 25MB please contact Recreation Grants staff at 804-786-1119 for instructions on how to submit.



Legend

- Public Roadways
- LWCF Boundary Area



**Hopewell City Marina Park
LWCF BOUNDARY AREA MAP**

City Manager *John M. Aron* Date 3-15-2022





MASTER PLAN LEGEND

- 1 COVERED EVENT STAGE
- 2 DOCK & DECK FLEX SPACE
- 3 COVERED RIVER SWINGS
- 4 UMBRELLAS & CHAIRS
- 5 OUTDOOR DINING
- 6 ACCESSIBLE RAMP
- 7 WATERSPORTS DOCK
- 8 TRANSIENT / COURTESY DOCK
- 9 RIVERWALK TRAILHEAD
- 10 EXIST. DUMPSTERS
- 11 EXIST. MARINA STORE
- 12 EXIST. BOAT RAMPS
- 13 EXIST. ICE TRAILER
- 14 EXIST. PARK SIGN
- 15 TRUCK & TRAILER PARKING
- 16 CAR PARKING
- 17 OPEN LAWN
- 18 NATIVE MEADOW
- 19 NATIVE FLOWERING TREES
- 20 NATIVE SHADE TREES
- 21 PERMEABLE PARKING LOT
- 22 EXIST. CANOE / KAYAK LAUNCH
- 23 PLAYGROUND
- 24 GOOD SHIP HOPEWELL MONUMENT
- 25 EXIST. SHELTER / OVERLOOK
- 26 FISHING PROMENADE
- 27 TRANSIENT / COURTESY DOCK
- 28 TIERED RIVER OVERLOOK

APPOMATTOX RIVER

ROUTE 10
E. HUNDRED RD.

RIVERSIDE AVE.



HOPEWELL CITY MARINA PARK
CONCEPTUAL MASTER PLAN - FEBRUARY 7, 2022

TIMMONS GROUP
YOUR VISION. ACHIEVED. THROUGH OURS.

REPORTS OF
THE CITY
MANAGER



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: Approval of Opioid Settlements with Teva, Allergan, Walgreens, CVS, and Walmart

ISSUE: City’s Participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreen, CVS and their related claims related corporate entities.

RECOMMENDATION: Staff recommends the approval of Opioid Settlements with Teva, Allergan, Walmart, CVS, and Walmart and direct the City Attorney and the City Manager to the documents necessary to effectuate the city’s participation in the settlements.

TIMING: Action to be taken on March 28, 2023.

BACKGROUND: Settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and directs the City Attorney and/or the City’s outside counsel to execute the documents necessary to effectuate the County’s City’s participation in the settlements, including the required release of claims against settling entities.

ENCLOSED DOCUMENTS:

STAFF: Interim City Manager, Dr. Concetta Manker

FOR IN MEETING USE ONLY

SUMMARY:

- | Y | N | |
|--------------------------|--------------------------|-----------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Rita Joyner, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Michael Harris, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor John B. Partin, Ward #3 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Jasmine Gore, Ward #4 |

- | Y | N | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Dominic Holloway, Sr., Ward #7 |

MOTION: _____

Roll Call

SUMMARY:

- | Y | N | |
|--------------------------|--------------------------|-----------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Rita Joyner, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Michael Harris, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor John B. Partin, Ward #3 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Jasmine Gore, Ward #4 |

- | Y | N | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Dominic Holloway, Sr., Ward #7 |

RESOLUTION

A RESOLUTION OF THE CITY OF HOPEWELL CITY COUNCIL APPROVING OF THE CITY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE CITY ATTORNEY AND/OR THE CITY'S OUTSIDE COUNSEL TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, The opioid epidemic that has cost thousands of human lives across the country also impacts The City of Hopewell by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by city's various departments and agencies; and

WHEREAS, The City of Hopewell has been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff time to address the damage the opioid epidemic has caused and continues to cause the citizens of Hopewell; and

WHEREAS, The Commonwealth of Virginia has filed suit against Teva, Allergan, Walmart, Walgreens, CVS, and certain of their related corporate entities for their role in the distribution, manufacture, and sale of the pharmaceutical opioid products that have fueled the opioid epidemic that has harmed citizens of the city of Hopewell; and

WHEREAS, The Commonwealth of Virginia suit seeks recovery of the public funds previously expended and to be expended in the future to abate the consequences and harms of the opioid epidemic; and

WHEREAS, All settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, The City of Hopewell has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that these pending settlements with Teva, Allergan, Walmart, CVS, and Walgreens shall be considered "Settlements" that are subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with the Distributors and Janssen; and

WHEREAS, The City Attorney for the City of Hopewell has recommended that the City of Hopewell participate in the settlements in order to recover its share of the funds that the settlement would provide; and

WHEREAS, The City of Hopewell Attorney has reviewed the available information about the proposed settlements and concurs with the recommendation of outside counsel;

NOW THEREFORE BE IT RESOLVED that the Hopewell City Council, this 28 day of March 2023, approves of the City' participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and directs the City Attorney and/or the City's outside counsel to execute the documents necessary to effectuate the City's participation in the settlements, including the required release of claims against settling entities.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF HOPEWELL ON MARCH 28, 2023.

Witness this signature and seal

Johnny Partin, Mayor
City of Hopewell

VOTING AYE:
VOTING NAY:
ABSTAINING:
ABSENT:

ATTEST:

Alyson Reyna, Interim City Clerk
City of Hopewell

Recipient	Allocation Percentage (per MOU Ex. A)	Corrected Allocation Percentage	Amount
Combined Total to Commonwealth, Localities, and OAA			\$3,488,576.07
Commonwealth			\$523,286.41
Opioid Abatement Authority			\$1,918,716.84
Localities			\$1,046,572.82
Accomack County	0.348%	0.348003480034800%	\$3,642.11
Albemarle County	0.863%	0.863008630086301%	\$9,032.01
Alexandria City	1.162%	1.162011620116200%	\$12,161.30
Alleghany County	0.213%	0.213002130021300%	\$2,229.22
Amelia County	0.100%	0.100001000010000%	\$1,046.58
Amherst County	0.299%	0.299002990029900%	\$3,129.28
Appomattox County	0.133%	0.133001330013300%	\$1,391.96
Arlington County	1.378%	1.378013780137800%	\$14,421.92
Augusta County	0.835%	0.835008350083501%	\$8,738.97
Bath County	0.037%	0.037000370003700%	\$387.24
Bedford County	0.777%	0.777007770077701%	\$8,131.95
Bland County	0.147%	0.147001470014700%	\$1,538.48
Botetourt County	0.362%	0.362003620036200%	\$3,788.63
Bristol City	0.434%	0.434004340043400%	\$4,542.17
Brunswick County	0.107%	0.107001070010700%	\$1,119.84
Buchanan County	0.929%	0.929009290092901%	\$9,722.76
Buckingham County	0.127%	0.127001270012700%	\$1,329.16
Buena Vista City	0.078%	0.078000780007800%	\$816.33
Campbell County	0.456%	0.456004560045600%	\$4,772.42
Caroline County	0.318%	0.318003180031800%	\$3,328.13
Carroll County	0.440%	0.440004400044000%	\$4,604.97
Charles City County	0.073%	0.073000730007300%	\$764.01
Charlotte County	0.138%	0.138001380013800%	\$1,444.28

Charlottesville City	0.463%	0.463004630046300%	\$4,845.68
Chesapeake City	2.912%	2.912029120291200%	\$30,476.51
Chesterfield County	4.088%	4.088040880408800%	\$42,784.32
Clarke County	0.125%	0.125001250012500%	\$1,308.23
Colonial Heights City	0.283%	0.283002830028300%	\$2,961.83
Covington City	0.100%	0.100001000010000%	\$1,046.58
Craig County	0.070%	0.070000700007000%	\$732.61
Culpeper County	0.790%	0.790007900079001%	\$8,268.01
Cumberland County	0.100%	0.100001000010000%	\$1,046.58
Danville City	0.637%	0.637006370063701%	\$6,666.74
Dickenson County	0.948%	0.948009480094801%	\$9,921.61
Dirwiddle County	0.196%	0.196001960019600%	\$2,051.30
Emporia City	0.050%	0.050000500005000%	\$523.29
Essex County	0.101%	0.101001010010100%	\$1,057.05
Fairfax County	8.672%	8.672086720867210%	\$90,759.70
Fairfax City	0.269%	0.269002690026900%	\$2,815.31
Falls Church City	0.102%	0.102001020010200%	\$1,067.51
Fauquier County	1.210%	1.210012100121000%	\$12,663.66
Floyd County	0.182%	0.182001820018200%	\$1,904.78
Fluvanna County	0.194%	0.194001940019400%	\$2,030.37
Franklin County	0.954%	0.954009540095401%	\$9,984.40
Franklin City	0.079%	0.079000790007900%	\$826.80
Frederick County	1.277%	1.277012770127700%	\$13,364.87
Fredericksburg City	0.524%	0.524005240052400%	\$5,484.10
Galax City	0.139%	0.139001390013900%	\$1,454.75
Giles County	0.409%	0.409004090040900%	\$4,280.53
Gloucester County	0.424%	0.424004240042400%	\$4,437.51
Goochland County	0.225%	0.225002250022500%	\$2,354.81
Grayson County	0.224%	0.224002240022400%	\$2,344.35
Greene County	0.178%	0.178001780017800%	\$1,862.92
Greensville County	0.124%	0.124001240012400%	\$1,297.76
Halifax County	0.353%	0.353003530035300%	\$3,694.44
Hampton City	1.538%	1.538015380153800%	\$16,096.45
Hanover County	1.079%	1.079010790107900%	\$11,292.63

Harrisonburg City	0.523%	0.523005230052301%	\$5,473.63
Henrico County	4.473%	4.473044730447300%	\$46,813.67
Henry County	1.220%	1.220012200122000%	\$12,768.32
Highland County	0.023%	0.023000230002300%	\$240.71
Hopewell City	0.344%	0.344003440034400%	\$3,600.25
Isle of Wight County	0.356%	0.356003560035600%	\$3,725.84
James City County	0.612%	0.612006120061201%	\$6,405.09
King George County	0.306%	0.306003060030600%	\$3,202.54
King William County	0.178%	0.178001780017800%	\$1,862.92
King and Queen County	0.072%	0.072000720007200%	\$753.54
Lancaster County	0.135%	0.135001350013500%	\$1,412.89
Lee County	0.556%	0.556005560055601%	\$5,819.00
Lexington City	0.093%	0.093000930009300%	\$973.32
Loudoun County	2.567%	2.567025670256700%	\$26,865.79
Louisa County	0.449%	0.449004490044900%	\$4,699.16
Lunenburg County	0.088%	0.088000880008800%	\$920.99
Lynchburg City	0.816%	0.816008160081601%	\$8,540.12
Madison County	0.163%	0.163001630016300%	\$1,705.93
Manassas City	0.452%	0.452004520045200%	\$4,730.56
Manassas Park City	0.095%	0.095000950009500%	\$994.25
Martinsville City	0.494%	0.494004940049400%	\$5,170.12
Mathews County	0.088%	0.088000880008800%	\$920.99
Mecklenburg County	0.344%	0.344003440034400%	\$3,600.25
Middlesex County	0.108%	0.108001080010800%	\$1,130.31
Montgomery County	1.205%	1.205012050120500%	\$12,611.33
Nelson County	0.147%	0.147001470014700%	\$1,538.48
New Kent County	0.156%	0.156001560015600%	\$1,632.67
Newport News City	2.047%	2.047020470204700%	\$21,423.56
Norfolk City	3.388%	3.388033880338800%	\$35,458.24
Northampton County	0.122%	0.122001220012200%	\$1,276.83
Northumberland County	0.129%	0.129001290012900%	\$1,350.09
Norton City	0.110%	0.110001100011000%	\$1,151.24
Nottoway County	0.133%	0.133001330013300%	\$1,391.96
Orange County	0.638%	0.638006380063801%	\$6,677.20

Page County	0.410%	0.410004100041000%		\$4,290.99
Patrick County	0.329%	0.329003290032900%		\$3,443.26
Petersburg City	0.395%	0.395003950039500%		\$4,134.00
Pittsylvania County	0.750%	0.750007500075001%		\$7,849.37
Poquoson City	0.186%	0.186001860018600%		\$1,946.64
Portsmouth City	1.937%	1.937019370193700%		\$20,272.32
Powhatan County	0.262%	0.262002620026200%		\$2,742.05
Prince Edward County	0.190%	0.190001900019000%		\$1,988.51
Prince George County	0.351%	0.351003510035100%		\$3,673.51
Prince William County	3.556%	3.556035560355600%		\$37,216.50
Pulaski County	1.061%	1.061010610106100%		\$11,104.25
Radford City	0.247%	0.247002470024700%		\$2,585.06
Rappahannock County	0.091%	0.091000910009100%		\$952.39
Richmond County	0.084%	0.084000840008400%		\$879.13
Richmond City	4.225%	4.225042250422500%		\$44,218.14
Roanoke County	1.498%	1.498014980149800%		\$15,677.82
Roanoke City	1.859%	1.859018590185900%		\$19,455.98
Rockbridge County	0.235%	0.235002350023500%		\$2,459.47
Rockingham County	0.614%	0.614006140061401%		\$6,426.02
Russell County	1.064%	1.064010640106400%		\$11,135.65
Salem City	0.786%	0.786007860078601%		\$8,226.14
Scott County	0.421%	0.421004210042100%		\$4,406.12
Shenandoah County	0.660%	0.660006600066001%		\$6,907.45
Smyth County	0.592%	0.592005920059201%		\$6,195.77
Southampton County	0.137%	0.137001370013700%		\$1,433.82
Spotsylvania County	1.417%	1.417014170141700%		\$14,830.09
Stafford County	1.443%	1.443014430144300%		\$15,102.20
Staunton City	0.440%	0.440004400044000%		\$4,604.97
Suffolk City	0.710%	0.710007100071001%		\$7,430.74
Surry County	0.058%	0.058000580005800%		\$607.02
Sussex County	0.081%	0.081000810008100%		\$847.73
Tazewell County	1.606%	1.606016060160600%		\$16,808.13
Virginia Beach City	4.859%	4.859048590485900%		\$50,853.48
Warren County	0.766%	0.766007660076601%		\$8,016.83

Washington County	0.996%	0.996009960099601%	\$10,423.97
Waynesboro City	0.363%	0.363003630036300%	\$3,799.10
Westmoreland County	0.223%	0.223002230022300%	\$2,333.88
Williamsburg City	0.086%	0.086000860008600%	\$900.06
Winchester City	0.649%	0.649006490064901%	\$6,792.33
Wise County	1.756%	1.756017560175600%	\$18,378.00
Wythe County	0.642%	0.642006420064201%	\$6,719.06
York County	0.561%	0.561005610056101%	\$5,871.33
Totals	99.999%	100.000000000000000%	\$1,046,572.82

ADJOURNMENT