CITY OF CHARLES TOWN

CITY COUNCIL
AGENDA • OCTOBER 16, 2023

Regular Session **COUNCIL CHAMBERS** **7:00 PM**
101 E Washington Street, Charles Town, WV 25414

CALL TO ORDER

1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

: **2023-933:** City Council Meeting Minutes - October 2, 2023
October 2 2023 City Council Meeting Minutes.docx

3. PUBLIC COMMENT

4. WARD REPORTS

5. MAYOR'S REPORT

: **2023-921:** Mayor's Select Committee on Memorializing the "Coloured" Graveyard at the Intersection of South Seminary and East Avis Streets
Select Committe on memorializing the Coloured Grave Yard.pdf

6. COMMITTEE REPORTS

: **2023-887:** Jefferson County Development Authority (JCDA) Update
Table Drop _ JCDA October 2023.pdf
City Council JCDA presentation October 2023 PDF.pdf

: **2023-886:** Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Update
Table Drop_Update_ Rt 51_W.pdf
Presentation to Council_HEPMPO - October 2023 PDF.pdf

: **2023-902:** Personnel Committee
personnel 2023 10 10.docx

: **2023-903:** Finance Committee
FinanceCommitteeReport_4Oct2023.pdf

: **2023-922:** Tree Board

7. CITY MANAGER REPORT

: City Manager Report
Corner Connection Letter.pdf

: **2023-919:** Placement of Interpretative Plaque for Charles Town Racetrack

: **2023-917:** Light Pollution - Update

8. POLICE CHIEF REPORT

9. UNFINISHED BUSINESS

: **2023-925:** Class Cost of Service Study and Rate Adjustment Recommendations from the Charles Town Utility Board (CTUB)
10-16-23 Presentation.pdf
Article 921 - Sewers.pdf
Article 925 Water Rates.pdf
CTUB Analysis year ending June 30, 2024.pdf
Additional back up 10-12-23.pdf

: **2023-926:** Possible First Reading of Article 1759 Vacant Buildings
Amended Article 1759.pdf

10. NEW BUSINESS

: **2023-915:** Rockwool West Virginia Department of Environmental Protection Air Emission Permit Discussion
037-00108_perm_R14-0037A.pdf
Proposed letter to WVDEP Re Rockwool air permit Oct 2023 .docx

: **2023-916:** Volunteer Parking at Wright Denny Elementary School Discussion
parking meter revenue.pdf
Wright Denny Parking Email.pdf

: **2023-918:** S. George Street Sidewalk Resolution

: **2023-920:** Blue Ridge Watershed Coalition Report
Mayor's letter to Blue Ridge Watershed Coalition.pdf
BRWC_SourceTrackingFinalReport.pdf

: **2023-923:** Jefferson County Commission Discussion
Letter_ City Council to County Commission.docx

: **2023-927:** Contractor Appeals Board Member Selection

: **2023-929:** Food Truck Resolution Extension Discussion
MobileFoodVendingUpdateforCouncil10.2023.docx

: **2023-900:** Code Enforcement - Executive Session item

: **2023-928:** Private Outdoor Designated Area (PODA) - Possible Executive Session

11. REFERRALS TO COMMITTEES/COMMISSIONS

12. APPROVAL OF BILLS

: **2023-934:** Payment of Bills - October 16, 2023
GENERAL FUND COUNCIL REPORT 2023 10 16.pdf
PARKS & REC COUNCIL REPORT 2023 10 16.pdf
PARKS & REC SPECIAL RUN 2023 10 16.pdf
GEN FUND SPECIAL RUN 2023 10 16.pdf

CAP RESERVE SPECIAL RUN 2023 10 16.pdf

13. ADJOURNMENT

14. INFORMATION ONLY - NEXT MEETING November 6, 2023

: **2023-904:** Charles Town Utility Board Meeting Minutes - September 20, 2023
2023.09.20 UB MINUTES.pdf

: **2023-930:** Sustainable Strategies DC
Charles Town Council, Funding Status Powerpoint, October 2 2023.pptx
Charles Town Funding Status October 2 2023.pdf

15. NOTICE: The Public May View the Meeting Live by Clicking on the Event Link at: https://www.charlestownwv.us/government/agendas-and-minutes/

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-933: City Council Meeting Minutes - October 2, 2023

ATTACHMENTS:

- October 2 2023 City Council Meeting Minutes.docx

CITY OF CHARLES TOWN

CITY COUNCIL

MINUTES • OCTOBER 2, 2023

Regular Meeting **Council Chambers** **7:00 PM**

101 East Washington Street, Charles Town, WV 25414

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Bob Trainor	Mayor	Present	
Elizabeth Ricketts	Councilmember	Present	
James Kratovil	Councilmember	Present	
Jeff Hynes	Councilmember	Present	
Kevin Tester	Councilmember	Present	
Julie Philabaum	Councilmember	Present	
Priscilla Rodd	Councilmember	Present	
Rikki Twyford	Councilmember	Remote	
Micheal George	Councilmember	Present	

Mr. John Nissel, City Manager; Ms. Alissa Meeks, Community Development Director; Ms. Cindy Rezmer, Operations Manager; Ms. Kristen Stolipher, Charles Town Utility Board Manager; and Chief Chris Kutcher, Charles Town Police Department, were also in attendance.

1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

2023-893: City Council Meeting Minutes - September 18, 2023

The following change was made to the September 18, 2023, meeting minutes:

Public Comment: Ms. Maura Bauserman's comment was changed to read: "**Ms. Maura Bauserman, Corner Connections owner, expressed her disappointment and frustration regarding the City and the Charles Town Farmer's Market**".

Hearing no other comments or changes, Mayor Trainor declared the minutes approved.

3. PUBLIC COMMENT

Four people signed up for public comment:

Ms. Nicola Bastian expressed her disappointment concerning the absence of the Charles Town Utility Board's lead pipe remediation project on the City Council agenda.

Ms. Rita Hennessy spoke about her support of the Charles Town Farmer's Market and her desire to have it remain at its current location on Samuel Street.

Ms. Chrissy Wimer spoke of her concern that Rockwool has applied for a modification on their air permit. She requested the City Council consider an agenda item to develop a letter to the West Virgnia Department of Environmental Protection for public comment asking for an independent analysis of Rockwool's air emissions.

Ms. Jacquelyn Milliron spoke on the Charles Town Utility Board's (CTUB) significant rate increase proposal for water customers in their rate equalization recommendation.

4. WARD REPORTS

Ward #1

Ms. Ricketts reported that she attended the West Virginia Department of Environmental Protection public input meeting concerning Rockwool.

Mr. Kratovil had nothing to report.

Ward #2

Mr. Hynes reported the following:

- The Huntfield Community Yard Sale is scheduled for the weekend of October 7, 2023.
- That he attended the Planning Commission meeting.
- He requested that City staff determine from the WV DOH the scheduled date for the installation of the traffic signal on Augustine Avenue at the new Sheetz location.
- That the Wright Denny Elementary School's Book Fair is being held this week. He also requested that volunteer parking on Congress Street in front of Wright Denny Elementary School be included in the Council's agenda for the next scheduled Council meeting.

Mr. Tester reported that The Old Opera House's annual auction is scheduled for October 7, 2023, and tickets are still available.

Ward #3

Ms. Rodd reported that she will be hosting a live version of the African American History Tour on Thursday, October 5, 2023, at 6:00PM and Saturday, October 7, 2023, at 10:00AM.

Ms. Philabaum reminded everyone to vote in the WV Living Magazine's Best of West Virginia 2023 contest. Voting is open until October 15, 2023

Ward #4

Mr. George reported that The Old Opera House's production of "The Addams Family" will hold performances the weekend of October 20th and 27th.

Ms. Twyford had nothing to report.

5. MAYOR'S REPORT

Mayor Trainor reported that he attended the Route 340 Detour Progress meeting, the Charles Town Utility Board meeting, and the Jefferson County Community Ministries groundbreaking ceremony in Ranson, WV.

6. COMMITTEE REPORTS

2023-876: Infrastructure Committee Report

Ms. Ricketts reported the following Committee discussion and actions:

- The opportunity for the City to apply for a FY2024 Federal Sub-allocation grant through the Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) for the Lawrence and Congress Street intersection project. Further details and Council action will be addressed latter in this meeting.
- Article 770 -- Municipal Service Fee For Street Improvements. Further details and Council action will be addressed latter in this meeting.
- The creation of a master list identifying stormwater problems and possible solutions throughout Charles Town.
- The Liberty Street traffic study/stop sign request.
- Repair options for a damaged streetlight on Washington Street

2023-877: Board of Parks and Recreation Commission Report

Ms. Ricketts reported the following Board discussion and actions:

- Thrasher Engineering was selected to provide engineering services for the pool/pool house renovation project.
- The City received the Land and Water Conservation Fund Grant in the amount of $250,000 for the pool house project.
- Partnership with the Jefferson County Parks and Recreation Department for the upcoming Pints and Pickleball event at Jefferson Memorial Park on October 14, 2023.
- The September tree planting ceremony at Evitts Run Park to honor Addiction Awareness Month.
- The Master Parks Plan Request for Proposals (RFP) was tabled indefinitely.

7. CITY MANAGER REPORT

Mr. Nissel reported the following:

- The snow removal contract has been executed for the 2023/2024 winter season.
- The City Council Strategic Planning Retreat is scheduled for December 9, 2023, at Charles Washington Hall, 8:00AM to 4:00PM.
- He met with the County GIS representative and discussed the City's present and future GIS needs.
- He attended a maintenance equipment showcase with City maintenance personnel last Friday, September 29, 2023.
- He attended the Clean Water Symposium in Shepherdstown, WV. and the ribbon cutting ceremony at Marigold Healing Center.

- The City's Finance Director resigned due to health issues. Ms. Krista Davis, previously interviewed, was offered, and accepted the position as Finance Director. She is expected to start on October 16, 2023.

8. POLICE CHIEF REPORT

Chief Kutcher reported that the Charles Town Police Department (CTPD) currently has three police officer vacancies. He also reported that the CTPD is working to update their website, that he spoke with the WV State Auditor Office concerning enrolling CTPD officers into the Social Security system, and that the funding from the U.S. Department of Justice (DOJ) Community Oriented Police Service (COPS) Law Enforcement Technology grant was received.

9. UNFINISHED BUSINESS

2023-881: Article 1759 - Vacant Buildings

Mr. Kratovil moved to send Article 1759 - Vacant Buildings back to the Mayor's Select Committee to Reconcile City of Charles Town Codified Code Articles 1759 and 1705. Mr. George seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	James Kratovil
SECONDER:	Micheal George
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, Twyford, George

Mayor Trainor requested the Council enter into executive session to discuss legal counsel input regarding Article 1759. Mr. Tester moved to enter into Executive Session. Mr. Hynes seconded the motion. Hearing no objections, Mayor Trainor declared the Council in Executive Session.

Mayor Trainor declared the Council out of Executive Session; there was no action taken by the Council.

10. NEW BUSINESS

2023-853: First Reading of Article 171 - Municipal Court

After lengthy Council discussion, Mr. George moved to approve the first reading of Article 171 - Municipal Court. Ms. Philabaum seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Micheal George
SECONDER:	Julie Philabaum
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, Twyford, George

2023-854: Discussion of "light pollution"

Councilmember Rodd requested this agenda item to begin a conversation after hearing complaints from several residents regarding "light pollution." City staff was tasked to research the Zoning and Subdivision Ordinances

for existing references to "light pollution" and to report their finding to the Council.

2023-870: Class Cost of Service Study and Rate Adjustment Recommendation from the Charles Town Utility Board (CTUB)

Mr. Gregory Herbert (Gannet Flemming, Valuation and Rate Consultants, LLC) presented to the Council the results of the CTUB water and wastewater Class Cost of Service study.

No action was taken by the Council. This agenda item will be included in the next scheduled Council meeting.

2023-871: Alcohol permit request/event - Alcohol Beverage Control

Mr. Kratovil moved to approve the letter to the WV Alcohol Beverage Control Administration for the one-day permit to host an outdoor beer garden for the Pint and Pickleball Event. Mr. Tester seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	James Kratovil
SECONDER:	Kevin Tester
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, Twyford, George

2023-872: HEPMPO Grant - Request Letter of Support from Jefferson County BOE and Grants Overview Discussion

Mr. George moved to direct Mr. Matt Ward (Sustainable Strategies DC) to apply for the Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Federal Sub-allocation Funds grant for the Lawrence and Congress Street project. Mr. Tester seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Micheal George
SECONDER:	Kevin Tester
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, Twyford, George

Mr. George moved to approve City staff to request a letter of support from the Jefferson County Board of Education to be included in the above grant application. Mr. Hynes seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Micheal George
SECONDER:	Jeff Hynes
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, Twyford, George

2023-874: Municipal Service Fee for Street Improvements

Mr. Kratovil moved to refer Article 770 - Municipal Service Fee for Street Improvements to the Finance Committee. Mr. Hynes seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	James Kratovil
SECONDER:	Jeff Hynes
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, Twyford, George

2023-875: Contractor Appeals Board Applications

Eight applications have been received for the 7-member (5 regular, 2 alternates) Contractor Appeals Board established by Charles Codified Code 1705. The Council approved scheduling a workshop at 5:00PM on October 16. 2023, to interview applicants. The Council will decide which applicants will be appointed to the Appeals Board at the regular scheduled Council meeting at 7:00PM, October 16, 2023.

2023-888: Grants Overview Presentation - Mr. Matt Ward, Sustainable Strategies DC

Mr. Matt Ward (Sustainable Strategies DC) presented the status of the City's approved, received, and applied for grants, as well as recommendations on upcoming grant applications.

11. REFERRALS TO COMMITTEES/COMMISSIONS

Article 770 – Municipal Service Fee (Agenda Item 2023-874) to the Finance Committee.

12. APPROVAL OF BILLS

2023-899: Payment of Bills - October 2, 2023

Mr. Kratovil moved to approve the payment of the bills. Hearing no objections, Mayor Trainor declared the bills approved for payment.

13. ADJOURNMENT

Mayor Trainor asked if there was any other business to come before the Council. Hearing none, Mayor Trainor adjourned the meeting.

14. INFORMATION ONLY - NEXT MEETING October 16, 2023, 7:00PM

2023-878: Article 1705 West Virginia Building Code

2023-889: City Manager Report - September 18, 2023

2023-890: Charles Town Police Department August Monthly Statistical Report

2023-891: Charles Town Utility Board Meeting Minutes - September 13, 2023

15. NOTICE: The Public May View the Meeting Live by Clicking on the Event Link at: https://www.charlestownwv.us/government/agendas-and-minutes/

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-921: Mayor's Select Committee on Memorializing the "Coloured" Graveyard at the Intersection of South Seminary and East Avis Streets

ATTACHMENTS:

- Select Committe on memorializing the Coloured Grave Yard.pdf

October 3, 2023

Re: Mayor's Select Committee on memorializing the "Coloured" Grave Yard at the intersection of South Seminary and East Avis Streets

Dear Council members

Please be advised that I have commissioned a Select Committee to conduct research on the historic African-American grave yard at the intersection South Seminary and East Avis Streets and to provide the Council with recommendations as to how to best memorialize grave yard and the individuals interred there. Among the goals of the Select Committee are but are not limited to the following:

1) Identify the extent of the grave yard;
2) Preserve as much of the grave yard as possible;
3) Research and document the history of the grave yard, including the individuals interred there and the grave yard's relationship to other African-American cemeteries and burial sites in the County; and
4) Provide the Council with recommendations for properly memorializing the grave yard and the individuals buried therein, including estimated expenses and recommended fiscal sources.

The following persons are hereby appointed to the Select Committee:

- Mr. Robert Trainor – Charles Town Mayor
- Ms. Priscilla Rodd – Charles Town Council Representative
- Pastor Paul Brown – President of the Black Clergy Association
- Ms. Ann Nawaz – Jefferson County National Association for the Advancement of Colored People (NAACP)
- Ms. Linda Downing Ballard – Associate member of the Jefferson County Black History Preservation Society
- Ms. Addison Reese – Jefferson County Historic Landmark Commission
- Ms. Delores Foster – Harpers Ferry/Bolivar Historic Town Foundation
- Reverand Timothy Robinson – Zion Baptist Church
- County Commission Representative – TBD

The following persons will provide support to the Select Committee

- Ms. Cindy Rezmer – City of Charles Town
- Mr. Doug Perks – Historian, Jefferson County Museum
- Ms. Ann Fern – Local Historian
- Ms. Kristen Stolipher – General Manager, Charles Town Utility Board

All Committee meetings will conform with applicable ordinances, rules, and regulations.

Robert M. Trainor

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-887: Jefferson County Development Authority (JCDA) Update

ATTACHMENTS:

- Table Drop _ JCDA October 2023.pdf
- City Council JCDA presentation October 2023 PDF.pdf

Zartico Data

- Money being spent by Jefferson County residents outside of the county
- Looked at Clarke &Loudoun Counties, VA; Berkeley County, WV; Frederick County, MD

Restaurants:
$689,850 on restaurants in Berkeley County
$37,268 on restaurants in Clarke County
$161,700 on restaurants in Frederick County (MD)
$85,231 on restaurants in Loudoun County

Fast Food:
$555,166 on fast food in Berkeley County
$33,886 on fast food in Clarke County
$87,740 on fast food in Frederick County
$51,456 on fast food in Loudoun County

Grocery Stores/ Supermarkets:
$2.1 million in Berkeley County
$57,046 in Clarke County
$471,411 in Frederick County (MD)
$79,562 in Loudoun County

Gas stations: roughly $2 million in gas outside the County.

Jefferson County residents leave to spend:
$27,456 on books in Berkeley County
$46,487 on artist's supplies and crafts in Berkeley County
$98,443 on Cigar Stores and Stands in Berkeley County and $33,228 in Frederick County
$109,176 on Hobby, Toy, and Game Shops
$41,167 on Watch, Clock, Jewelry, and Silverware in Berkeley
Sporting Goods was an interesting source of spending- $210,880 in Berkeley.

Visit https://www.zartico.com for more information on methodology.

JEFFERSON COUNTY DEVELOPMENT AUTHORITY
WHERE BUSINESS FEELS AT HOME

the Rising Tide society

Meeting Schedule

- September 19, 2023
  - Grow Your Business with Social Media
- October 17, 2023
  - Time Management and Workflows
- November 21, 2023
  - Goal Setting
- January 16, 2024
  - Small Business Accounting
- February 20, 2024
  - Federal Contracting 101: Getting Started with Federal Contracting No Matter Your Size
- March 19, 2024
  - Permitting
- April 16, 2024
  - Small Business Marketing: Facebook
- May 21, 2024
  - Small Business Insurance
- June 18, 2024
  - Networking and Relationship Building

Meetings

Meetings take place the 3rd Tuesday of each month from 6-8 P.M.

Meeting location:
1948 Wiltshire Road
Kearneysville, WV 25430

Jefferson County Development Authority

JCDA Representative of Charles Town Councilmember Elizabeth Ricketts

October 2023 Updates

JCDA overview

Members:

- Gino Sisco (Bolivar)
- Edward Love (Harpers Ferry)
- Jim Gatz (Shepherdstown)
- Donald Haines (Ranson)
- Elizabeth Ricketts (Charles Town)
- Todd Coyle (Citizen Representative)
- Chris Puller (Citizen Representative)
- Neil McLaughlin (Citizen Representative)
- Tara Orndorff (Business Representative)
- Mary Kathryn Robinson (Citizen Representative)
- Greg Mason (Industry Representative)
- Bryan Jones (Business Representative)
- Kurk Turney (Labor Representative)
- Steve Stolipher (County Commissioner)

Staff:

Eddie Benites-LM (Executive Director)
Ryan Snyder (Program Manager)
Anna Padilla (Admin Assistant)

Governmental and Legislative Affairs Committee

Provide action item recommendations for the Jefferson County 2045 Comprehensive Plan

Present 2024 legislative priorities to delegates and representatives

Hold informative summits

- topics such as water/sewer, broadband, downtown revitalizations, childcare, transportation, county workforce, ect



Zartico data: $$$ being spent outside of county

Restaurants:

- $689,850 on restaurants in Berkeley County
- $37,268 on restaurants in Clarke County
- $161,700 on restaurants in Frederick County (MD)
- $85,231 on restaurants in Loudoun County

Fast Food:

- $555,166 on fast food in Berkeley County
- $33,886 on fast food in Clarke County
- $87,740 on fast food in Frederick County
- $51,456 on fast food in Loudoun County

Grocery Stores/ Supermarkets are the biggest by dollars.

- $2.1 million in Berkeley County
- $57,046 in Clarke County
- $471,411 in Frederick County (MD)
- $79,562 in Loudoun County

Gas stations are also extremely high. In the last 12 months, Jefferson County residents have spent roughly $2 million in gas outside the County.

Jefferson County residents leave to spend:

- $27,456 on books in Berkeley County
- $46,487 on artist's supplies and crafts in Berkeley County
- $98,443 on Cigar Stores and Stands in Berkeley County and $33,228 in Frederick County
- $109,176 on Hobby, Toy, and Game Shops
- $41,167 on Watch, Clock, Jewelry, and Silverware in Berkeley
- Sporting Goods was an interesting source of spending- $210,880 in Berkeley.

Childcare Study



- Only 56 licensed facilities in Jefferson County
- average family waits 13.3 months between seeking care, waitlist, and placement
    - Charles Town has the shortest average wait time in the County at 6 months
- access often cited as a significant hindrance to workforce recruiting, retention, and expansion
- estimates 1,600+ families in Jefferson County have an unmet need for licensed childcare
- Presentation by Brian Dayton, WV Chamber of Commerce - state initiatives to provide tax incentives for construction of childcare facilities
- Resolutions to welcome a feasibility study by the YMCA

Route 340 Closure - Santa Train efforts

- Approached Maryland Transit Administration and MDOT about weekend “Santa Train” service into Harpers Ferry
- Received response from David Johnson, Chief Transportation Officer, MDOT MTA MARC Train
    - *MARC Train weekday service to West Virginia is provided through an intergovernmental agreement between MDOT MTA and the West Virginia Division of Multimodal Transportation Facilities (formerly known as the West Virginia State Rail Authority). This agreement calls for an **annual payment of $3.2 million from West Virginia** to Maryland for MARC Train service. However, there has been **no payment made since 2019**, and that payment was a fraction of what was due. It is difficult for us to justify the operation of excursion rail service to West Virginia given these facts and the logistical challenges outlined above.*

Payments in Lieu of Taxes



The JCDA Board of Directors will receive a training session

PILOTs 101 West Virginia Payments in Lieu of Taxes: Uses and History

Tuesday, October 17th, 3:00 PM

Open to the public

Courses: *Rising Tide Society*

Fostering a spirit of Community over Competition

Offering classes to small business owners and creatives in the Eastern Panhandle of WV

6:00-8:00 PM

September 19, 2023: **Grow Your Business with Social Media**

October 17, 2023: **Time Management and Workflows**

November 21, 2023: **Goal Setting**

January 16, 2024: **Small Business Accounting**

February 20, 2024: **Federal Contracting 101**

March 19, 2024: **Permitting**

April 16, 2024: **Small Business Marketing: Facebook**

May 21, 2024: **Small Business Insurance**

June 20, 2024: **Networking and Relationship Building**

Jefferson County Public Service Building, 1948 Wiltshire Road, Kearneysville, WV

AMERICA'S SBDC WEST VIRGINIA

JEFFERSON COUNTY DEVELOPMENT AUTHORITY
WHERE BUSINESS FEELS AT HOME

BlueRidge COMMUNITY AND TECHNICAL COLLEGE

the Rising Tide society

Meeting Schedule

- September 19, 2023
  - Grow Your Business with Social Media
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  - Small Business Marketing: Facebook
- May 21, 2024
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- June 18, 2024
  - Networking and Relationship Building

Meetings

Meetings take place the 3rd Tuesday of each month from 6-8 P.M.

Meeting location:
1948 Wiltshire Road
Kearneysville, WV 25430

JCDA Meetings



The JCDA Board of Directors meets

third Tuesday of each month

3:00 PM

Jefferson County Public Service Building,
1948 Wiltshire Road, Kearneysville, WV 25430

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-886: Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Update

ATTACHMENTS:

- Table Drop_Update_ Rt 51_W.pdf
- Presentation to Council_HEPMPO - October 2023 PDF.pdf

Update: Rt 51/W. Washington St/Summit Point /MLK Blvd

State: U219-51-7.00 02 / Federal: (EN) RHCH-0051(052)D / TIP ID: J2024-09

- WV-51 Feasibility Study: 5/28/2021
- Public meeting: 4/8/2021
- Presentation to City Council: 7/5/2022
- Design Study: *In progress*
  - Bids closed on October 2nd for design study work
  - Funded for $650,000 (majority from Federal Railway/Highway Crossings funds)
- From WV DOT website:

  This project shall consist of a Design Study to update and enhance the report “WV-51 Feasibility Study." The Design Study will address the traffic safety and pedestrian mobility improvements throughout the WV 51 corridor study area also known as MLK Jr. Blvd. and W. Washington Street in Charles Town, WV. The study scope shall address the alternatives identified as 1, 2, and 3 of the Feasibility Study, and a no build. A new alternative will be added to modify Alternative 3 to show the one-way conversion flow in the opposite direction. In addition, a second new alternative will be added with a connector road from WV 51 to CR 13 to the west of the railroad tracks and a roundabout with CR 13, thus eliminating a railroad crossing. Also, an additional highway specific alternative, based on field reviews, will be added to the tasks if the firm identifies an efficient, economical solution during preliminary evaluation of the existing report. Due to the large area of impacts, NEPA (National Environmental Policy Act) activities will be limited to an overview only. During the evaluation process, the firm should eliminate any alternative that cannot be advanced to final report due to any NEPA issues. Final NEPA activities will occur by a planned supplement, a separate Consultant, or in parallel with preliminary engineering during the 300 series activities associated with this portion of the project. The Consultant will also prepare mapping and survey for the project.

Hagerstown/Eastern Panhandle Metropolitan Planning Organization

Jefferson County Municipal Representative
Elizabeth Ricketts

October 2023 Update

HEPMPO

The Metropolitan Planning Organization is a federally-designated and funded regional transportation planning agency based on US Census urbanized area boundaries

Includes:

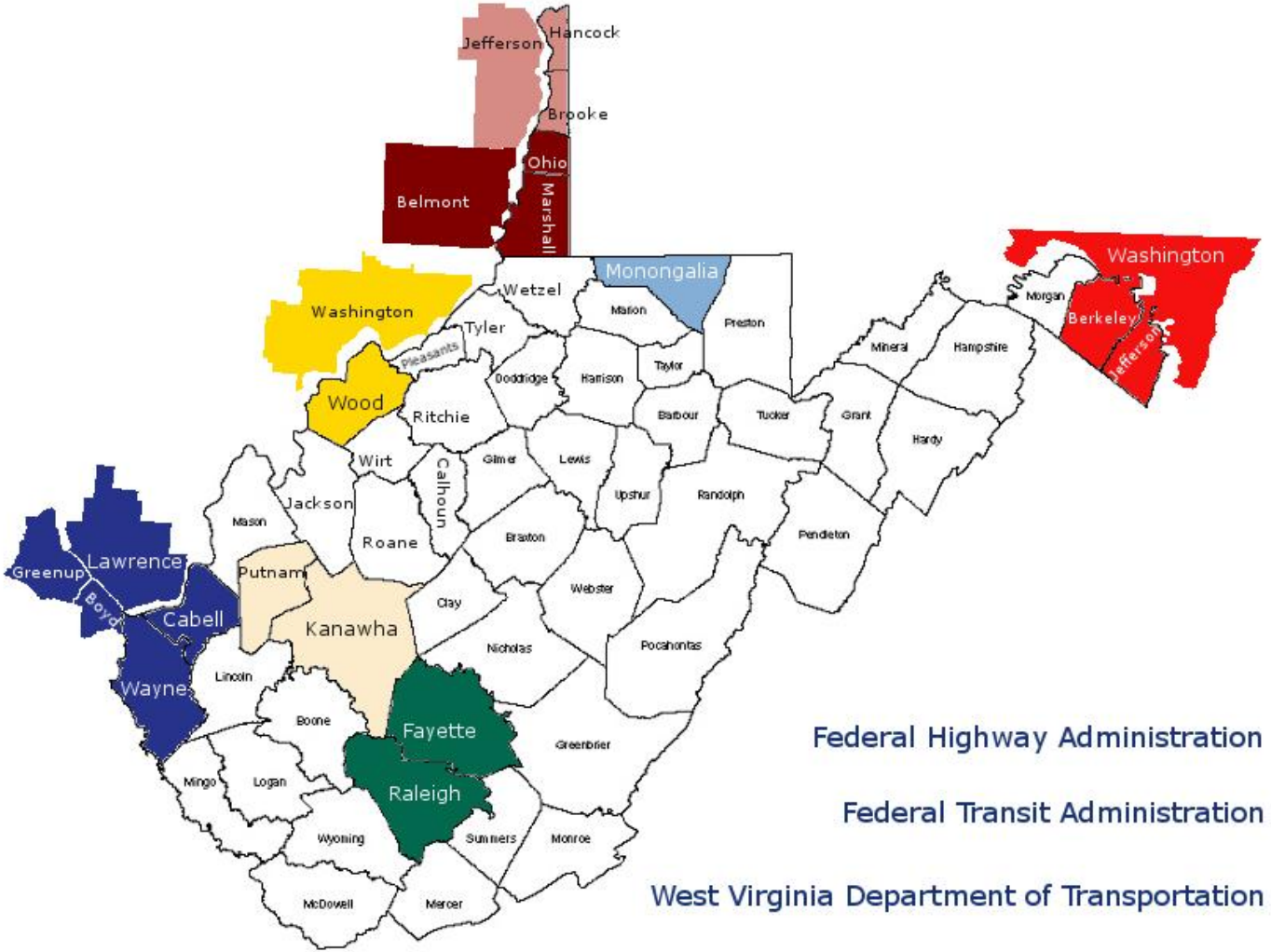
- Jefferson and Berkeley Counties, WV
- Washington County, MD
- Small portion of Franklin County, PA

Provide 3Cs:

- Comprehensive
- Coordinated
- Continuous

transportation planning for the safe and efficient movement of people and goods consistent with the region's overall economic, social and environmental goals.




Jefferson
Hancock
Brooke
Ohio
Marshall
Belmont
Monongalia
Washington
Wetzel
Marion
Preston
Tyler
Pleasants
Doddridge
Harrison
Taylor
Wood
Ritchie
Barbour
Tucker
Grant
Hardy
Mineral
Hampshire
Morgan
Berkeley
Jefferson
Wirt
Gilmer
Lewis
Upshur
Randolph
Pendleton
Calhoun
Jackson
Mason
Roane
Braxton
Webster
Clay
Nicholas
Pocahontas
Greenbrier
Putnam
Kanawha
Fayette
Raleigh
Lawrence
Greenup
Boyd
Cabell
Wayne
Lincoln
Boone
Mingo
Logan
Wyoming
McDowell
Mercer
Summers
Monroe
Federal Highway Administration
Federal Transit Administration
West Virginia Department of Transportation

Upcoming efforts: *Regional Safety Action Plan*

- Staff and consultants acquiring:
  - Crash data
  - Equity data
  - Traffic volumes
  - Pavement data
- Advisory Committee formed
  - Members of HEPMPO
  - State DOTs
- Public outreach period
- Approval:
  - May 2024
- Provides access to federal funding



Amendments to the 2023-2026 West Virginia TIP

Transportation Improvement Program amendments:

- EPTA received added RAISE grant funding for Bus Facilities
  - Transit Center now fully funded - out to bid soon…
  - Staff has been compiling GIS data and working with Google Maps to provide real-time updates





Amendments to the 2023-2026 West Virginia TIP

Transportation Improvement Program amendments:

- Jefferson County Projects:
  - (J2024-01) **Charles Town**
    - Jefferson Ave - turn lane and traffic signal
  - (J2024-06) **Charles Town**
    - Hillside Drive - roundabout
  - (J2024-04) **Charles Town**
    - South George Street - pedestrian improvements
  - (J2024-04) Ranson
    - Arsenio Albert Alvarez Memorial Bridge

(Resolution 2024-01)

Amendments to the 2023-2026 West Virginia TIP

Transportation Improvement Program updates

- (J2024-02) Shepherdstown
  - Ridge Road - Morgan Grove
- (J2024-08) Shepherdstown
  - * Maddex Square pedestrian crossing
- (J2024-03) Ranson
  - North Mildred
- (J2021-07) Shepherdstown
  - * Resurfacing - project cost increase
- (J2023-02) Charles Town Road - VA Line
  - * Upgrade to 4 lanes - change to “Obligated” status

- (J2019-07.01)

  MARC Strategic Ridership Plan
  - * Project Canceled

(Resolution 2024-01)

* to be voted on by Interstate Council 10/18/2023

County studies and projects

Shepherdstown

- WVLTAP technical assistance for sidewalk assessment

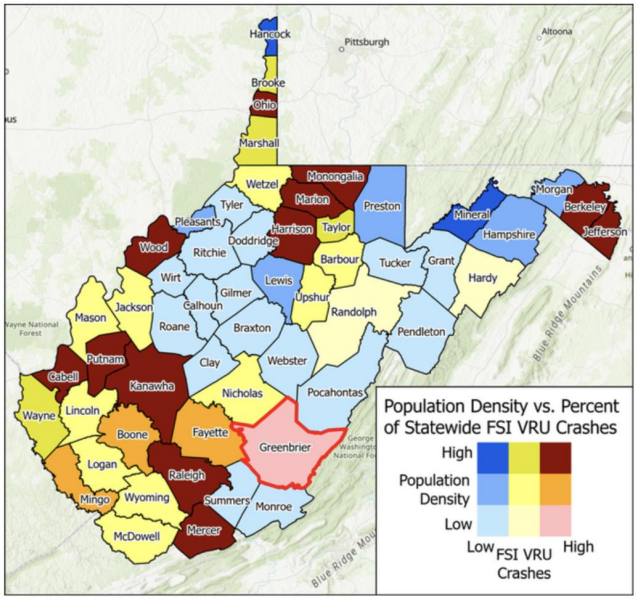
Bolivar:

- West Washington St sidewalk project Preliminary Field Review (PFR)

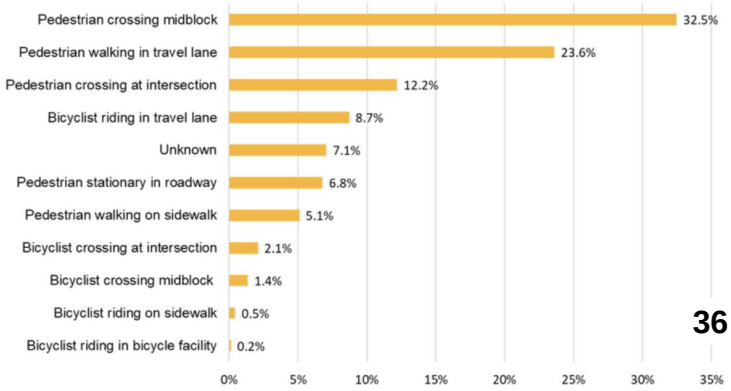
Vulnerable Road Users Assessment

- Meeting and survey conducted

Population Density vs. Percent of Statewide FSI VRU Crashes



VRU Action in FSI Crashes



MPO Fee Assessment

- Current fee structure in place since 1997
- $0.12 per capita
- Proposed increase to ***$0.22 per capita***

- Next steps…
  - Letter to Region 9
  - Presentation to counties and municipalities by HEPMPO staff

Proposed Fee Assessment Changes

Local Government Member	2010 Census Population	2020 Census Population	Current MPO Assessment Fee Per Capita	Current MPO Assessment	Proposed MPO Assessment Fee Per Capita	Proposed MPO Assessment	Difference (Current vs. Proposed)
Berkeley County Commission	104,169	122,076	$0.12	$12,500.28	$0.22	**$26,856.72**	*$14,356.44*
Town of Hedgesville	318	300	$0.12	$38.16	$0.22	**$66.00**	*$27.84*
City of Martinsburg	17,227	18,777	$0.12	$2,067.24	$0.22	**$4,130.94**	*$2,063.70*
Jefferson County Commission	53,498	57,701	$0.12	$6,419.76	$0.22	**$12,694.22**	*$6,274.46*
Town of Bolivar	1,045	1,036	$0.12	$125.40	$0.22	**$227.92**	*$102.52*
Corporation of Harpers Ferry	286	269	$0.12	$34.32	$0.22	**$59.18**	*$24.86*
City of Ranson	4,440	5,433	$0.12	$532.80	$0.22	**$1,195.26**	*$662.46*
City of Charles Town	5,259	6,534	$0.12	$631.08	$0.22	**$1,437.48**	*$806.40*
Corporation of Shepherdstown	1,734	1,531	$0.12	$208.08	$0.22	**$336.82**	*$128.74*
Morgan County Commission	17,541	17,063	$0.09	$1,578.69	*na*	*na*	*na*
Town of Bath	624	580	$0.09	$56.16	*na*	*na*	*na*
Town of Paw Paw	508	410	$0.09	$45.72	*na*	*na*	*na*
TOTAL	**206,649**	**231,710**		**$24,237.69**		**$47,004.54**	

Update: Rt 51/W. Washington St/Summit Point /MLK Blvd

- State: U219-51-7.00 02 / Federal: (EN) RHCH-0051(052)D / TIP ID: J2024-09
- WV-51 Feasibility Study: 5/28/2021
- Public meeting: 4/8/2021
- Presentation to City Council: 7/5/2022
- Design Study: *In progress*
  - Bids closed on October 2nd for design study work
  - Funded for $650,000 (majority from Federal Railway/Highway Crossings funds)
- From WV DOT website:

This project shall consist of a Design Study to update and enhance the report “WV-51 Feasibility Study." The Design Study will address the traffic safety and pedestrian mobility improvements throughout the WV 51 corridor study area also known as MLK Jr. Blvd. and W. Washington Street in Charles Town, WV. The study scope shall address the alternatives identified as 1, 2, and 3 of the Feasibility Study, and a no build. A new alternative will be added to modify Alternative 3 to show the one-way conversion flow in the opposite direction. In addition, a second new alternative will be added with a connector road from WV 51 to CR 13 to the west of the railroad tracks and a roundabout with CR 13, thus eliminating a railroad crossing. Also, an additional highway specific alternative, based on field reviews, will be added to the tasks if the firm identifies an efficient, economical solution during preliminary evaluation of the existing report. Due to the large area of impacts, NEPA (National Environmental Policy Act) activities will be limited to an overview only. During the evaluation process, the firm should eliminate any alternative that cannot be advanced to final report due to any NEPA issues. Final NEPA activities will occur by a planned supplement, a separate Consultant, or in parallel with preliminary engineering during the 300 series activities associated with this portion of the project. The Consultant will also prepare mapping and survey for the project.

Upcoming...

- Complete Streets Workshop - free/open to public
  - Parkersburg, WV
  - October 24

- Safety Action Plan Study Committee
  - October 25
  - 3 additional meetings over next 9 months
  - Plan adopted by May 2024

- HEPMPO Interstate Council Meetings
  - October 18
  - January 17, 2024

- 2024 Transportation Planning Conference
  - Huntington, WV
  - May 21-23, 2024





City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-902: Personnel Committee

ATTACHMENTS:

- personnel 2023 10 10.docx

City of Charles Town Personnel Committee Report

10 October 2023 Meeting
Drafted by: Micheal George – Chairman

I. Call to Order ooa 5:10PM

Persons present: Personnel Committee Members Micheal George, Jeff Hynes, and Kevin Tester; Cindy Rezmer, Operations Manager

II. New_Business_

II. Old_Business

2023-722: Personnel Handbook Review

The committee reviewed Chapter 1 through Chapter 4.10. Some research is needed for changes in state and federal laws. There was discussion on rewriting several sections and moving some content to other chapters. Will continue review the handbook at the next meeting, November 13 at 5 pm.

Recommendations to the City Council: None

IV. The meeting was adjourned ooa 6:30 PM

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-903: Finance Committee

ATTACHMENTS:

- FinanceCommitteeReport_4Oct2023.pdf

Drafted by: Bob Trainor - Chairman

Call to Order ooa 10:00AM

1. **Persons present:** Finance Committee Members Ms. Julie Philabaum, Mr. Jeff Hynes, and Mr. Bob Trainor; City Manager, Mr. John Nissel; and Finance Consultant (Star-Chapman Group), Mr. Chris Longerbeam

2. **Unfinished Business**

   There was no unfinished business.

3. **New Business**

2023-884: Chairman's Report

- FY2024 Capital Reserve Budget – Chris Longerbeam reviewed the current status of the City's FY2024 Capital Reserve Budget. The Committee directed staff to review and verify several of the expenditure entires.
- FY2024 Operating Budget – the Committee directed staff to prepare the necessary budget revision to the Operating Budget.

Recommendations to the City Council: None at this time, information only.

2023-882: Congress and Lawrence Street Intersection Damage

Due to Council action at the 2 October 2023 Council meeting, the Committee agreed to table this agenda item until the Committee receives more direction from Council.

Recommendations to the City Council: None at this time, information only.

2023-883: City's Account Balances

Due to the unavailability of the latest Accounts Balance report, the Committee agreed to table this agenda item until the next scheduled Finance Committee meeting – 8 November 2023.

Recommendations to the City Council: None at this time, information only.

2023-885: Utility Tax Discussion

The Committee discussed the current status and possible future requirements for the $4.00 Utility fee. Per Charles Town Codified Code Article 770, the current fee "…shall be segregated and used exclusively for the purpose of street improvements within the City of Charles Town."

The fee is deposited into the City's Summit Community Bank – Repaving account. The account balance as June 30, 2023 equals $954,034 + $304,928 from the 1999 Series Revenue Bond Interest & Sinking Fund (B&C), for a total amount of $1,258,962.

Staff was directed to provide the Committee with more information to better determine if the current $4.00 fee is adequate to maintain the City's streets.

The additional information should include but should not be limited to: current City street and sidewalk inventory, possible near-future street additions, and estimated street maintenance cost increases since 2000.

Recommendations to the City Council: None at this time, information only.

4. Information Items

The next Finance Committee meeting is tentatively scheduled for 8 November 2023 at 10:00AM

5. Tabled Items

2023-882: Congress and Lawrence Street Intersection Damage
2023-883: City's Account Balances

6. Pending Items

There were no pending items

7. The meeting was adjourned ooa 11:15AM

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-922: Tree Board

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

City Manager Report

ATTACHMENTS:

- Corner Connection Letter.pdf

City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone: (304) 725-2311 ♦ Web: www.charlestownwv.us

October 11, 2023

MAYOR
Robert M. Trainor

CITY COUNCIL
Elizabeth Ricketts
James Kratovil
Jeff Hynes
Kevin Tester
Julie Philabaum
Priscilla Rodd
Rikki Twyford
Michael George

CITY MANAGER
John Nissel

Corner Connection
Mara Bauserman
119 E. Washington Street
Charles Town, WV 25414

Re: Letter to City of Charles Town Council, et al Demand to Cease Road Closures S. Samuel Street

Dear Ms. Bauserman,

The intent of this letter is to serve as an official response to the above noted letter and City Council public comment dated September 18, 2023.

First, thank you for the communication expressed in your letter as it offers a comprehensive analysis of your business concerns as well as the on-site tour and discussion dated September 25, 2023. As City Manager, I maintain an open-door policy and will always welcome the feedback expressed from our business owners, residents, and community at large. As with all businesses located within the city limits, the City values your business and appreciates both the economic and promotional value it has added to the community since Corner Connection opened its doors in April 2023.

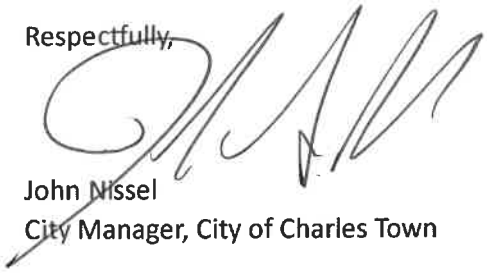
Moreover, as you are aware, the Charles Town Farmers Market is equally an integral part of our community where South Samuel Street has served as its home base for the last twelve years. The Market operates seasonally from April through October and has evolved over the years to become an effective revitalization tool for our main street community as it has become the Saturday-morning anchor for downtown linking, activity, and engagement.

It is sincerely the City's desire to cooperatively work with both the Farmers Market and Corner Connection, respectively, and to bring a mutual resolution that serves both entities. Small businesses play a crucial role in fostering vibrant local communities and Charles Town recognizes the importance of both your business and the Market.

I spoke with a representative from the Farmers Market, and they would like to have a spokesperson from their group meet with both you and myself to work towards a possible solution

moving forward. I would propose that we begin meeting in November at City Hall at a time that works for all parties.

Respectfully,



John Nissel
City Manager, City of Charles Town

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-919: Placement of Interpretative Plaque for Charles Town Racetrack

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-917: Light Pollution - Update

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-925: Class Cost of Service Study and Rate Adjustment Recommendations from the Charles Town Utility Board (CTUB)

ATTACHMENTS:

- 10-16-23 Presentation.pdf
- Article 921 - Sewers.pdf
- Article 925 Water Rates.pdf
- CTUB Analysis year ending June 30, 2024.pdf
- Additional back up 10-12-23.pdf

Charles Town
Utility Board

661 S. George Street, Suite 101 Charles Town, WV 25414
Phone: (304) 725-2316 ♦ Fax: (304) 725-7150 ♦ Web: www.ctubwv.com

October 11, 2023

City Council
City of Charles Town
101 East Washington Street
Charles Town, WV 25414

UTILITY BOARD

CHAIRMAN
City of Charles Town City Manager John Nissel

VICE CHAIRMAN
City of Ranson Mayor Duke Pierson

TREASURER
Thomas Stocks

SECRETARY
Ashley Stottlemyer

Board Member Jefferson Whitten

Board Member Heidi Parker

UTILITY MANAGER
Kristen Stoliphor

Re: Charles Town City Council
Class Cost of Service Study and Rate Adjustment Recommendation from the Charles Town Utility Board (CTUB)

Honorable Council Members:

In addition to the information provided to Council on October 2, 2023, CTUB and its consultants, Gannett Fleming and John Kunkle, hereby provide some additional documentation to support the recommendation from CTUB on the Class Cost of Service Study and the proposed water and sewer rate structures.

Page 3 of this document includes the Analysis of Debt Service Coverage prepared by John Kunkle. This document was presented at the October 2, 2023 meeting and is submitted in the packet as part of the record. It should be noted that this analysis does not include FY 2024 budgeting which does include some significant cost increases in labor, insurance, chemical and transportation costs which will effectively reduce debt service coverage ratios.

At the October 2, 2023 Council meeting there was significant discussion related to two specific items:

1) **Water Rates and Equalization between CTUB customers (6,688 customers) and the Glen Haven/Cavaland Subdivisions (121 customers total):**
    a. Page 4 of this document shows the percentage of the overall water rate increase attributed to equalizing the rates between these two customer bases. As shown, the loss in revenue from equalizing the Jefferson County rates totals $34,065, which accounts for just over 5% of the proposed increase to the rates.
    b. This calculation shows that although there is a slight impact to CTUB Water customers to achieve full equalization of rates, the majority of the rate increase is a result of increased operation and maintenance costs and necessary projects. The last Water Rate increase was made effective July 1, 2016.
2) **Race Track Contract rate:**
    a. The Race Track agreement was executed by the City of Charles Town and PNGI Charles Town Gaming, LLC. on April 8, 2002 and Amendment dated January 2004. The Agreement acknowledges partial consideration utilizing a contract rate for the Race Track based on the cessation by PNGI of operating its potable water assets and becoming a customer of Charles Town.

2) Continued – Race Track Contract rate:

a. Historically, with each Class Cost of Service Study, there have been incremental increases to the contract rate as follows:
    i. 2002 - $2.00 per 1,000 gallons
    ii. 2007 - $3.87 per 1,000 gallons
    iii. 2016 - $4.86 per 1,000 gallons
    iv. Proposed 2023 - $5.83 per 1,000 gallons
b. There are substantial economies of scale as it relates to the purchase of water and sewer. It is very common for a Utility to establish a contract rate or set rate for large volume users. Another example of this is the bulk rate in the CTUB Tariff for direct sales at the Water Plant for bulk users.
c. CTUB plans to continue steps towards equalization of the Cost of Service amongst all classes over the next 5-10 years. This has been demonstrated by CTUB with the water and sewer equalization of rates at a steady pace to ensure that no particular class experiences rate shock.
d. The 20% increase proposed to the Race Track adds an additional $31,819 in proposed revenues on an annual basis.
e. If CTUB did not have the Race Track as a user, the residential and commercial classes would see proposed rate increases of over 30%.

In summary, CTUB is proposing rate adjustments based on methodologies that are fair, equitable with the least amount of impact to each customer class. Revenue stability and predictability of the rates from unexpected or adverse changes are critical in ensuring the financial stability of the CTUB and the City. CTUB will continue steps towards equalization of the Cost of Service amongst all classes over the next 5-10 years. This will continue the trend of incremental steps towards the cost of service through rate adjustment to ensure that no particular class experiences rate shock.

Charles Town Utility Board

Analysis of Debt Service Coverage - New Rates and Projects Pro Forma

For the year ended June 30, 2023

As of October 2, 2023

	Water Department	Sewer Department	Total
Revenues	$ 6,749,624	$ 7,884,872	$ 14,634,496
Modification to Revenues:			
Interest	(43,030)	(193,657)	(236,687)
Grant Revenues	(11,080)	-	(11,080)
Gain on Sale of Assets	(14,005)	(37,159)	(51,164)
CIF & CAC Revenues	(1,295,971)	(1,208,563)	(2,504,534)
Operating Revenues	5,385,538	6,445,493	11,831,031
Expenses	4,648,592	6,706,703	11,355,295
Modifications to Expenses:			
Depreciation and amortization expense	(1,294,445)	(2,229,345)	(3,523,790)
Bond issuance costs	-	(192,863)	(192,863)
Loss on disposition of assets	-	(45,671)	(45,671)
Pension expense	-	-	-
Pension contractual payments	-	-	-
OPEB expense	-	-	-
OPEB contractual payments	-	-	-
Interest on Long Term Debt	(395,146)	(559,831)	(954,977)
Operating Expenses Net of Non-cash Items and Interest Expense	2,959,001	3,678,994	6,637,995
Operating Income Available for Debt Service	2,426,537	2,766,499	5,193,037
Debt Service Expenditures:			
Principal Payments on Bond Issues	1,045,978	1,336,726	2,382,704
Interest Payments on Bond Issues	500,482	622,353	1,122,835
Total Debt Service Expenditures - Maximum Annual	1,546,460	1,959,079	3,505,539
Operating Income Available After Bond Debt Service	$ 880,077	$ 807,420	$ 1,687,498
Debt Service Coverage Ratio	156.91%	141.21%	148.14%
Required Debt Service Coverage Ratio	115.00%	115.00%	115.00%
Amount of Coverage in Excess of 130%	$ 416,139	$ 219,697	$ 635,836

Water Projects:	
Wells/Springs	$ 1,500,000 project cost financed over 30 years at 5% interest
Force main from WTP	$ 500,000 project cost financed over 30 years at 5% interest
Total financed	$ 2,000,000 project costs and $ 500,000 transactions costs
Projected debt service	$ 162,629 per annum
% of rate increase	$ 162.629 /$ 637,542 = 25.5%
Sewer Projects:	
Full funding of R&R Project	$ 151,649 additional annual debt service.
Collection System Project	$ 88,521 debt service on $ 3,061,000 SRF borrowing
Projected debt service	$ 240,170 per annum
% of rate increase	N/A - Rate changes revenue neutral

Prepared by J.C. Kunkle and Associates, A.C.

10/2/2023 9:41 AM

\\jck-dcf01\data\John_Excel\Charles Town Utility Board - Analysis of Debt and Debt Service - 2023

CHARLES TOWN UTILITY BOARD - WATER

SUMMARY OF REVENUE UNDER PRESENT RATES

2022/2023

Class	Charles Town and Ranson	Jefferson County	Total
Residential	2,568,023	95,415	2,663,438
Flat Rate			-
Total Residential	2,568,023	95,415	2,663,438
Commercial	1,130,508	525	1,131,033
Race Track	159,423		159,423
Total	$ 3,857,953	$ 95,940	$ 3,953,893

2023/2024

Class	Charles Town and Ranson	Jefferson County	Total
Residential	3,030,150	61,831	3,091,981
Flat Rate			-
Total Residential	3,030,150	61,831	3,091,981
Commercial	1,308,142	44	1,308,186
Race Track	191,241		191,241
Total	$ 4,529,533	$ 61,875	$ 4,591,408
Total Increase	**$ 671,580**	**$ (34,065)**	**$ 637,515**
Total Percentage	***105.34%***	***-5.34%***	***100.00%***

CHARLES TOWN UTILITY BOARD
WATER OPERATIONS
OPTION A1 - RATE EQUALIZATION WITH 2,000 GALLON MONTHLY MINIMUM
COMPARISON OF COST OF SERVICE WITH REVENUES UNDER PRESENT AND PROPOSED RATES
FOR THE TEST YEAR ENDED JUNE 30,2024

Customer Classification	Cost of Service Amount (Schedule B)	Cost of Service Percent	Revenues, Present Rates Amount	Revenues, Present Rates Percent	Revenues, Proposed Rates Amount	Revenues, Proposed Rates Percent	Proposed Increase Amount	Proposed Increase Percent Increase
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Residential	$ 3,078,519	67.0%	$ 2,663,438	67.4%	$ 3,091,981	67.3%	$ 428,543	16.1%
Commercial	$ 1,280,466	27.9%	1,131,033	28.6%	1,308,186	28.5%	177,154	15.7%
Race Track	$ 232,569	5.1%	159,423	4.0%	191,241	4.2%	31,818	20.0%
Total Sales	4,591,554	100.0%	3,953,893	100.0%	4,591,408	100.0%	637,515	16.1%
Other Revenues	143,000		143,000		143,000		-	0.0%
Total	$ 4,734,554		$ 4,096,893		$ 4,734,408		$ 637,515	15.6%

ARTICLE 921

Sewers

921.01 Definitions.
921.02 General.
921.03 Use of public sewers required.
921.04 Customer relations.
921.05 Customer service pipes.
921.06 Sewer user charges.
921.07 Deposits from customers.
921.08 Billing information.
921.09 Adjustment of bills and complaints.
921.10 Discontinuance of service.
921.11 Access to properties.
921.12 Detrimental wastes.
921.13 Admission of industrial wastes.
921.14 Grease traps.
921.15 Validity.
921.16 Sewer service rates.
921.17 Specifications for sewer lines.
921.18 Severability.

CROSS REFERENCES

Power to collect charges - see W. Va. Code 8-12-5(32), 16-13-16
Review by Public Service Commission - see W. Va. Code 24-2-4(b)
Deposit limitations - see W. Va. Code 24-3-8
Sanitary Board - see ADM. Art. 139

921.01 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

(a) "Applicant" means a person, firm, corporation, municipality, public service district or any other entity that applies for sewer service.

(b) “Available sewer service.” Sewer service will be deemed available to a customer when a main is installed and maintained by the utility in such location and at such distance from the user's premises as may be provided by city ordinance or by the rules of the utility: Provided, that service shall not be deemed to be available unless the sewage will flow by gravity or be transported by such other methods approved by the Bureau for Public Health including, but not limited to, vacuum and pressure systems, approved under W. Va. Code §16-1-9, from the customer's point of service into the utility service pipe.

(c) Billing Related Definition:

(1) “Bill due date” means the date when the utility mails the bill.

(2) “Latest pay date” means the last date, which shall be no sooner than the 20th day following the date the utility mails the bill, that the bill may be paid without incurring a late payment penalty. Such date must be stated on the face of the bill.

(3) “Delinquent bill” means any bill issued by a public service district that has not been paid within twenty (20) days of the bill due date; or any bill issued by a sewer utility that is not a public service district within thirty (30) days of the bill due date. Such date must be stated on the face of the bill.

(d) "B.O.D." or "Biochemical Oxygen Demand" means the quantity of oxygen expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory procedures of five days at twenty degrees centigrade.

(e) "Building drain" means that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the customers service line, and/or to the lateral sewer.

(f) "City" means the City of Charles Town, West Virginia.

(g) "Council" means the City Council of the City of Charles Town, West Virginia.

(h) “Commercial Service” means service to each separate business enterprise, occupation or institution occupying for its exclusive use any units or units of space as an entire building, entire floor, suite of rooms or a single room, and using water for such incidental use as the schedule of rates applicable to the particular installation may permit. Commercial service shall apply to all stores, offices, hotels, wholesale houses, garages, display windows, signs, theaters, barber and beauty shops, churches, opera houses, auditoriums, lodge halls, school houses, banks, bakeries and any other space occupied for commercial purposes. Any rooming house, lodging house, resort, inn or tavern renting more than four (4) rooms to strangers or transients without any previous agreement for accommodation or as to the duration of stay shall be classed as a hotel and as such it comes under the commercial classification.

(i) “Commission" means whenever in this ordinance the words "Commission" or "Public Service Commission" appear, such word, or words, shall, unless a different intent clearly appears from the context, be taken to mean the Public Service Commission of West Virginia.

(j) "Customer" shall mean and include any such person, firm, corporation, municipality, public service district or any other entity who purchases a product or services of any utility and shall include any such person, firm, corporation, municipality, public service district or any other entity who purchases such services or product for resale.

(k) "Customer's Service Pipe" shall be that portion of the service pipe from the point of service to the structure or premises, installed at the cost and expense of the customer.

(l) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

(m) "Improved property" means any property located within the City upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes are or may be discharged.

(n) "Industrial waste" means any solid, liquid or gaseous substance or form of energy rejected or escaping in the course of any industrial manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from sanitary sewage.

(o) "Lateral" means that part of the sewer system extending from a sewer located in the street to the curb line; or, if there shall be no curb line, to the property line; or, if no such lateral shall be provided, then "lateral" means that portion of, or place in, a sewer which is provided for connection of any customer service line.

(p) "Moratorium" means a condition imposed on a utility by the Commission prohibiting service connections and/or reactivation of service for an entire system, or a portion thereof.

(q) "Natural outlet" means any outlet, including storm sewers and combined sewers, which overflows into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(r) "Owner" means any person vested with ownership, legal or equitable, sole or partial, in any real property.

(s) "Payment" means a payment made by cash, check, credit card, debit card, or voucher accepted by the utility.

(t) "Person" means any individual, firm, company, association, society, corporation, partnership or group.

(u) "pH" means the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

(v) "Point of service" means the utility's pipe and appurtenances which connect any utility service pipe with the inlet connection of a customer's service pipe at the customer's property line or elsewhere on the customer's property if provided for in a user's agreement. The utility shall own and maintain all facilities located between the point of service and the main.

(w) "Public Utility" except where a different meaning clearly appears from the context, the word, or words, "Utility" or "Public Utility" when used in these rules shall mean and include any person or persons, or association of persons, however associated, whether incorporated or not, including municipalities, engaged in the business of collecting, transporting, and/or treating sewage.

(x) "Residential Service" means service to a householder or a tenant, living in a separate house or separate apartment in an apartment building, using water and sewer for general household service. Should the owner of a multiple apartment building undertake to furnish water to his tenants as a part of their monthly rent, then such service shall be classed as "Commercial." In cases where a householder or tenant devotes some portion of the occupied building to commercial use and uses the remainder as a residence then the predominate use of water shall constitute the basis for classification as either residential or commercial.

(y) "Right of way" or "easement" means an acquired legal right for the specific use of land owned by others.

(z) "Sanitary sewage" means normal water-carried household and toilet wastes from any improved property. The preferred term is wastewater.

(aa) "Sanitary sewer" means a sewer controlled by the City that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

(bb) "Sewer" means any pipe or conduit that carries wastewater, domestic drainage, sanitary wastes, or industrial wastes.

(cc) "Sewer Main" means sewer pipe owned, operated, or maintained by the utility located in a public right-of-way, street, alley, or private right-of-way, used for the purpose of collecting sewage and from which service connections for customers are taken. Any sewer pipe extending through a utility right-of-way across private property shall be a sewer main. Costs to install a sewer main across private property are subject to the cost-sharing provisions of Rule 5.5 of the Commission's "Rules for the Government of Sewer Utilities," 150CSR5.

(dd) "Sewer system" means all wastewater facilities, owned by the City, for collecting, pumping, treating and disposing of sanitary sewage or industrial wastes.

(ee) "Significant industrial user" means any industrial user that will contribute greater than ten percent (10%) of the design flow or design pollutant loading of the treatment works.

(ff) "Single-family dwelling" means any room, group of rooms, house trailer or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of persons living together, or by persons living alone.

(gg) "Slug" means any discharge of wastewater which in concentration of any give constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes and is more than five times the average twenty-four hour concentration of flows during normal operation and shall adversely affect the sewer system and/or performance of the wastewater treatment works.

(hh) "Suspended solids" means those solids which are visible and in suspension in the water. Included are the larger floating particles consisting of sand, grit, clay, fecal solids, paper, sticks of wood, particles of food and garbage, and similar materials.

(ii) "Temporary Service Connection" means one which is installed for temporary use; provided that the customer's premises is located on a lot having a curb line abutting on that part of a street or public right-of-way in which there is located a utility sewer main extending along the total frontage of the lot on said street or right-of- way, unless otherwise agreed to by the utility.

(jj) "Utility Board" as used in this article shall mean the board created for the supervision, management, control and operation of the City Water and Sewerage system. Refer to Article 147 of the City of Charles Town Codified Ordinance.

(kk) "Utility Service Pipe" shall be that portion of the service pipe between the sewer main and the point of service, installed at the cost and expense of the utility.

(ll) "Wastewater facilities" means the structures, equipment, and processes required to collect, carry and treat domestic and industrial wastes and to dispose of the effluent. (Passed 3-5-07.)

921.02 GENERAL.

(a) This article has been enacted in compliance with requirements of the United States Environmental Protection Agency (EPA), ~~and~~ the West Virginia Department of Environmental Protection (DEP) and the West Virginia Public Service Commission (PSC).

(b) In accordance with EPA requirements this article shall be reviewed no less often than every two years. Particular items to be included in the review include the wastewater contribution of customers and customer classes and the total cost of operation and

maintenance of the wastewater facilities. As a result of the review Council shall revise the effective rates and charges to accomplish the following:

(1) Maintain the proportionate distribution of operation and maintenance costs among customers and customer classes;

(2) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the wastewater facilities; and

(3) Apply excess revenues collected from a class of customers to the costs of operation and maintenance attributable to that class for the next year and adjust rates accordingly.

(c) In general, sewer service charges shall be based upon the volume of water delivered to the customer's property. This volume is measured by the water meter serving the premises. In cases where a significant volume of the water delivered to the premises is not returned to the sanitary sewer system or water from another source is discharged to the sanitary sewer system the customer may request, or the utility may require, special flow measuring devices to properly measure the volume of waste water entering the sanitary sewer system. Such special flow measuring devices shall be furnished, installed, and maintained by and at the expense of the customer with the approval of the utility. In some situations suitable formulae may be used to determine waste water flow in lieu of special metering devices. Such formulae shall be approved by both the customer and the utility and are subject to the approval of the Commission. All flow meters used in serving bulk or resale customers shall be owned and operated by the utility providing service to the bulk or resale customer. (Passed 3-5-07.)

921.03 USE OF PUBLIC SEWERS REQUIRED.

(a) Being necessary and essential for the health and welfare of the inhabitants and residents of the City, all owners, tenants, or occupants of any houses, dwellings, and buildings located near sanitary sewers of the City, where sewage will flow by gravity, from such places into such sewers, are hereby required to connect with and use such sewers and other related works for the collection and disposal of all sewage and waste matter from such places.

(b) 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, garbage, or objectionable waste. It shall be unlawful to discharge to any natural outlet or stream within the City, or in any area under the jurisdiction of such City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article, as well as with applicable regulations of the U.S. Environmental Protection Agency, the West Virginia Department of Environmental Protection and the West Virginia Department of Health.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, sinkhole, septic tank, cesspool, or other facility intended for wastewater disposal or storage on any property that is presently served by a sanitary sewer of the City.

(d) The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, right of way or easement in which there is now located or may hereafter be located a public sanitary sewer of the City, are hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sanitary sewer in accordance with the provisions of this article. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be conducted into the sanitary sewer, subject to such limitations and restrictions as are established herein or otherwise shall be established by the Council from time to time.

(e) Every privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of City, shall be cleansed and filled at the expense of the owner, and any such receptacle not so abandoned and/or cleansed and filled, shall constitute a public nuisance and such nuisance may be abated as provided by law.

(f) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is owned or operated by City. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(g) Any person who shall violate this article concerning the sewer system shall be liable, upon conviction for a first offense and upon conviction for each subsequent offense, to a fine of not less than two hundred-fifty dollars ($250.00) nor more than five hundred dollars ($500.00), together with costs of prosecution in each case. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such. Fines and costs imposed under provisions of the article shall be enforceable and recoverable in the manner provided by applicable law.
(Passed 3-5-07.)

921.04 CUSTOMER RELATIONS.

(a) Information as to Service. Each utility shall, upon request, give its customers such information and assistance as is reasonable, in order that customers may enjoy safe and efficient service.

(b) Explanation of Computing Bills. Each utility shall adopt some means of informing its customers as to the method of computing bills, either by printed description on its bills, or by a notice to the effect that the method will be explained at the office of the utility upon request.

(c) Explanation of Rates. It shall be the duty of the utility to explain to the customer at the beginning of service, or whenever the customer shall request the utility to do so, the utility's rates applicable to the type of service furnished to the customer and all other classes of customers, and to assist him in obtaining the best rate for his service requirements. The responsibility for the selection, however, rests with the applicant. In the event the customer's use of service changes such that a rate schedule other than the one initially selected becomes favorable, the responsibility for requesting a change in rate schedule, consistent with the provisions of the service agreement, shall rest with the customer. The utility shall, on its periodic statements, annually inform its customers that, if they so request, it shall supply them with a copy of the utility's rate or rates applicable to the type of service to be furnished to all classes of customers with a concise written explanation of the rates, and an identification of any classes of customer for whom rates are not summarized.

(d) Posting of Law, Rates, Rules, and Collection Agents.

(1) Every utility shall maintain in its office for inspection by the public, the following:

A. A copy of the rates, rules and regulations of the utility, and of forms of contracts and applications applicable to the territory served from that office;

B. A copy of the Public Service Commission Law of this State; and

C. A copy of the Commission's "Rules for the Government of Sewer Utilities," 150CSR5.

(2) A suitable placard in large type shall be conspicuously posted in the utility's business office giving information to customers that

a copy of the law, the rules of the Commission, and the schedules of rates are available for their inspection.

(3) Once a year, or as often as a utility changes collection agents, each utility shall publicize by newspaper or bill insert to its customers its collection agents to whom customers may deliver payment of sewer bills.

(e) Application for Sewer Service.

(1) All applicants desiring sewer service may be required to make written application at the office of the utility on printed forms provided therefore setting forth in said application all purposes for which sewer will be used upon their premises. The utility may require the applicant to provide identification at the time of application for service. All applicants for service shall be required to designate on every application for service whether the applicant is a tenant or an owner of the premises to be served. If the applicant is a tenant, he shall state the name and address of the owner or owners of the premises to be served.

(2) Any change in the identity of the contracting customer at a premises will require a new application for sewer service, and the utility may, after reasonable notice, discontinue sewer service until such new application has been made and accepted, but the former customer shall remain liable for sewer service furnished to said premises until he has given notice in writing to the utility to discontinue sewer service. In the event the customer of record has died or has become incapable of being responsible for sewer service, that individual's spouse may become the customer of record without being required to complete a new application for sewer service, or paying a new deposit.

(3) In the event that a publicly or privately owned water utility, city, incorporated town, other municipal corporation or other public service district, owns and operates water facilities within the same service territory as the public service district providing sewer service to the area, then the sewer public service district shall provide the customer with a proper receipt and shall instruct the customer to present said receipt to the water utility when application for water service is made.

(Passed 3-5-07.)

921.05 CUSTOMER SERVICE PIPES.

(a) No customer, plumber, company owner or any agent shall connect to the utility's main or to any utility service pipe, or extend the pipes therefrom to any premises for the purpose of securing sewer service, until application has been made therefore to the utility as provided in these rules and permission for doing so has been granted by the utility in writing.

(b) Once an application for service has been granted, the customer shall install and maintain the customer service pipe.

(c) The utility's authorized employee shall inform the customer of the location of the point of service. The customer shall install the customer service pipe to the point of service after which the utility will install the utility service pipe from the main to the point of service.

(d) Where the utility's service pipe is already installed to the point of service, the customer shall connect with the utility service pipe as installed.

(e) The customer service pipe shall be installed in a workmanlike manner, shall conform to all reasonable rules and regulations of the utility, and shall be maintained by the customer at his own expense.

(f) The utility will specify the size, kind, quality and location of all materials used in the customer's service pipe and the customer shall comply with those specifications. Refer to the City of Charles Town Sewer Standards and Specifications.

(g) A customer must maintain his service pipe in good condition and free from all leaks and defects, at the customer's cost and expense. A customer's failure to comply with this rule may result in termination of water or sewer service pursuant to these rules.

(h) The customer's service pipe shall be laid below the frost line at all points and shall be placed on firm and continuous earth so as to give unyielding and permanent support; and be installed in a trench at least two feet in a horizontal direction from any other trench wherein gas pipe, water pipe, or other facilities, public or private, are or are to be installed.

(i) A customer's service pipe shall not pass through or across any premises or property other than that to be served nor across any portion of the property that could practicably be sold separately from the immediate premises served and no pipes or plumbing in any premises shall be extended therefrom to adjacent or other premises.

(j) The customer's service pipe and all connections and fixtures attached thereto shall be subject to the inspection of the utility before use, and all premises, including any and all fixtures within the said premises, shall at all reasonable hours be subject to inspection by a duly authorized employee of the utility.

(k) The utility shall make changes and bear the full costs of changes in the customer's service pipe required due to changes in grade, relocation of mains, and other causes not related to the customer. The customer shall bear the full costs of changes in service pipe or meter location desired by the customer for his or her convenience.

(l) The customer shall not attach any fixtures to, or make any branches in, the customer service pipe between the point of service and the premises served. Violation of this rule may result in termination of service pursuant to these rules.

(m) The connection of surface drains to the sanitary system is prohibited. As a means to deter prohibited connections where surface or ground water is introduced into the sanitary system, the utility may add a surcharge to the customer's sewer bill where evidence of a violation exists. The surcharge shall be authorized by separate schedule to the utility's sewer tariff filed pursuant to the Commission's Rules for the Construction and Filing of Tariffs, 150CSR2, but the utility need not file revenue, expense, or other financial data unless otherwise ordered by the Commission. The charge for roof drains, downspouts, storm sewers or similar facilities connected to the sanitary sewer system will be calculated by the formula or rate clearly stated in the tariff, and will not be cumulative to any metered rate for sewer service. The tariff should further provide that the surcharge will not be imposed unless and until the customer is notified by certified mail, return receipt requested, or by hand delivery, that it has been established by smoke testing, dye testing, or on-site inspection that rain or surface water is being introduced into the sanitary sewer, and that the customer has thirty (30) days to divert that water from the sanitary sewer.

(Passed 3-5-07.)

921.06 SEWER USER CHARGES.

(a) Rates. Sewer user charges, or rates, are imposed upon and shall be collected from the owner of each improved property which shall be connected with the sanitary sewer system, for use of the sewer system, whether such use shall be direct or indirect. The sewer user charges shall commence and shall be effective as of the date of connection of each such improved property to the sewer system, and shall be payable as provided herein, in accordance with the rate ordinance as adopted by Council.

(b) Surcharge for High Strength Users. Users discharging any water or wastes with a thirty day average BOD in excess of 300 milligrams per liter or a thirty day average suspended solids content in excess of 300 milligrams per liter or containing suspended solids with a character or quantity of pollutant requiring unusual attention or expense to handle or treat, shall pay, in addition to the base monthly sewer user charges, an additional surcharge as determined by the City of Town Utility Board.

(Passed 3-5-07.)

921.07 DEPOSITS FROM CUSTOMERS.

(a) Security Deposits for Utilities Other than Public Service Districts. A utility, other than a public service district, may require the applicant or customer to make a deposit with it initially, and from time to time, to secure payment of sewer service rates and charges. Such deposit shall not be more than one-twelfth (1/12) of the annual estimated charge for residential service and or one sixth (1/6) of the annual estimated charge for all other service. The utility shall not be bound to supply sewer service until this condition is fulfilled. After the customer has paid bills for service for twelve (12) consecutive months without a delinquency, the utility shall promptly and automatically refund the deposit plus accrued interest. Calculation of the above twelve (12) month period shall commence from the first regular payment or following the payment of a delinquent bill or bills. Interest at the rate as calculated in accordance with subsection (d) of this section, shall be paid from the date of deposit until the date of refund of the security deposit. The utility shall have a reasonable time, not to exceed thirty (30) days, to ascertain that the obligations of the customer have been fully performed before being required to

return any deposit in the case where there has not been an automatic refund.

(b) Return of Deposit to Customers Who Are Not Tenants. After a customer who is not a tenant has paid bills for service for twelve (12) consecutive months without a delinquency, the utility shall promptly and automatically refund the deposit plus accrued interest. Calculation of the above twelve (12) months' period shall commence from the first regular payment or following the payment of a delinquent bill or bills.

(c) Interest at the rate as determined in accordance with Rule 4.2.a.8. shall be paid from the date of deposit until the date of refund of the security deposit. All customer security deposits shall be placed in an interest bearing account at a local federally insured financial institution. The district shall have a reasonable time, not to exceed thirty (30) days, to read and remove meters and to ascertain that the obligations of the customer have been fully performed before being required to return any deposit in the case where there has not been an automatic refund.

(d) The interest rate to be paid by all sewer utilities other than public service districts shall be determined as follows. The rate which utilities shall be required to pay shall be the average of the one-year United States Treasury Bill rates for October, November and December of the preceding calendar year. By January 15 of each year, Staff of the Commission shall make the necessary calculations and file with the Commission its calculations. The Commission will issue an order setting the rate to be paid by the utilities until the next annual Commission order. The simple interest shall be paid at the date of discontinuance of service or at the end of the deposit period.

(e) Record of Deposit. Each utility holding a cash deposit shall keep a record showing: (i) The name and current address of each depositor; (ii) the amount and date of the deposit; and (iii) each transaction concerning the deposit.

(f) The Receipt. Concurrently with receiving a cash deposit, the utility shall deliver to the applicant for service, or customer, a receipt showing: (i) The date thereof; (ii) the name of the applicant or customer and the address of the premises served or to be served; (iii) the service furnished or to be furnished; and (iv) the amount of the deposit and the fact that interest will be paid at a Commission determined rate. Each utility shall provide automatic means to refund the deposit of a customer, when so entitled, if the original receipt cannot be produced. A receipt or proof of payment will not be necessary under the provisions for an automatic refund.

(g) Unclaimed Deposits. Should a utility have retained, through no fault of its own, deposits made by customers whose service has been discontinued during any calendar year, it shall, on or before the first day of March, in each year, mail to the customer's last known address a check as refund of the deposit plus accrued interest, or at the utility's option, publish a list of such depositors in a newspaper published and of general circulation in each of the county(ies) in which it operates and in which the deposits were made, showing as of the thirty-first (31st) day of December immediately preceding, the amount of each such deposit, together with the interest due thereon, and notifying depositors listed therein that their deposits are being held to their credit and will be returned upon request. The utility will not be liable for any interest on such deposits after publication of such lists. Upon completion of the above procedure, the utility shall follow the provisions of the Uniform Unclaimed Property Act, codified in the W. Va. Code §36-8-1 et seq., with regard to the disposition of any unclaimed deposit.

(h) This rule shall not affect residential customer security deposits required by a utility prior to the passage of W. Va. Code §24-3-8 on March 12, 1983.

(i) All utilities that collect security deposits must do so in a non-discriminatory manner. (Passed 3-5-07.)

921.08 BILLING INFORMATION.

(a) All bills for sewer service shall state whether the charge is based upon quantities of water consumed at the premises, flat rate or other charge. Bills shall be rendered periodically, and if based upon metered water consumption they shall show the readings of the water meter at the beginning and end of the period for which the bill is rendered, the date of the water meter readings, the number of cubic feet or gallons of water supplied, and the authorized rate. If the utility must, for any reason, render an estimated bill, the bill shall be clearly marked as an estimated bill. All bills shall state "This utility is regulated by the Public Service Commission of West Virginia" and "Rates available upon request."

(b) First and last bills, monthly or quarterly, for sewer service rendered for periods of five (5) days more or five (5) days less than the normal billing period, will be computed in accordance with the rate applicable to that service, by the amount of sewer blocks, and the minimum charge as set forth in that rate will be prorated on the basis of the number of days in the period in question, to the total number of days in the normal period.

(c) Utilities desiring to adopt mechanical billing of such nature as to render compliance with all the terms of Rule 4.3.b., impractical, may make application to the Commission for relief from part of these terms. After consideration of the reasons given when asking for relief, the Commission may allow the omission of part of these requirements.

(d) On all bills which include charges for items other than authorized sewer charges, the other factors used in computing the bill shall be clearly stated so that the amount may be readily verified from the information appearing upon the bill.

(e) Each bill shall bear on its face the latest pay date and the date it shall be a delinquent bill if not paid. On all current usage billings not paid in full by the latest pay date, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

(f) When a utility receives a customer payment at a time when both a delinquent bill and a current bill are outstanding, the utility will apply the payment first to the current bill, and apply any leftover amounts to the delinquency. Provided, that this rule shall not apply to payments from customers whose delinquencies have been addressed in a deferred payment agreement. If a termination notice has been issued then the payment should first be applied to the delinquent amount that is the subject of the termination notice. (Passed 3-5-07.)

921.09 ADJUSTMENT OF BILLS AND COMPLAINTS.

(a) Adjustment of Bills.

(1) Fast meters. If the water utility makes a refund to the customer pursuant to Rule 4.4.a. of the Commission's "Rules for the Government of Water Utilities," 150CSR3, the sewer utility will make a corresponding adjustment to the sewer charges associated with the same period of time based on the corrected meter reading and the applicable sewer rates.

(2) Dead Meters. At any time that a water utility calculates water usage and bills for water service pursuant to the provisions in Rule 4.4.b. of the Commission's "Rules for the Government of Water Utilities," 150CSR3, the sewer utility will bill for sewer service for the corresponding time period based on the water usage calculated and billed by the water utility.

(3) Leaks on the customer's side of the meter.

A. Each utility shall develop and implement a written policy concerning the adjustment of customer bills where they are based upon metered water consumption or are actually metered sewer lines, and the bill reflects unusual water usage which can be attributed to leakage on the customer's side of the point of service. Leaking commodes, dripping faucets, malfunctioning appliances and similar situations shall not constitute leaks which entitle the customer to a recalculated bill. The policy shall be maintained in the utility's office for inspection by the public and shall be applied in a non-discriminatory manner to all customers. The reasonableness of the utility's policy or practice with respect to a policy shall be subject to Commission review in a formal complaint proceeding.

B. The policy shall provide for a recalculated bill to reflect the utility's incremental cost of treating or purchasing the treatment of the sewage, as contained in the utility's tariff, for all amounts above the customer's historic usage. Historic usage shall be defined as the average usage of the preceding twelve (12) months or actual period of service if less than twelve (12) months. If using the historic usage would result in an unreasonable calculation, adjustments may be made. If such adjustments are made, the utility should advise its customer that a dispute regarding such adjustments may be taken to the Commission in the form of an informal complaint. Any amounts which the customer can prove did not enter the sanitary sewer system shall be credited at full tariff rates.

C. As an alternative to using the incremental cost of treating or purchasing the treatment of the sewage, the utility may, at its option, use an adjustment which allows it to recover the Commission's estimate of "typical incremental cost" per thousand gallons of sewage on usage above the historic usage. The Commission shall from time to time establish its estimate of "typical incremental cost" by order.

D. However, in future rate cases the utility's incremental cost of treating or purchasing the treatment of the sewage shall be determined and the rate placed in an appropriate tariff as the leak adjustment rate. After a rate has been determined in a rate case, the utility shall not have the option to use the Commission's estimate of "typical incremental cost" found in Rule 4.4.c.3.

(b) Complaints.

(1) Investigation of complaints. Each utility shall make a full and prompt investigation of all complaints made to it by its customers, either directly or through the Commission. In the event that the complaint is not resolved, the utility shall, before service is discontinued, notify the customer that he may file an informal or formal complaint with the Commission.

(2) Record of complaints. The utility shall keep a record of all complaints received, which record shall show the name and address of the complainant, the date and character of the complaint, and the adjustment or disposal made thereof.

(3) Disposition of records. Records of complaints shall not be destroyed until a summary has been prepared for permanent record, showing the character of complaints made, the number of each type received in each month, and the disposition of the complaints.

(c) Disputed Bills. In the event of a dispute between the customer and the utility respecting any bill, the utility shall conduct an investigation and report the result thereof to the customer. In the event that the complaint is not resolved, the utility shall, before water or sewer service is discontinued, notify the customer that he may file an informal or formal complaint with the Commission.
(Passed 3-5-07.)

921.10 DISCONTINUANCE OF SERVICE.

(a) Any customer requesting service to be discontinued shall give notice thereof to the utility during regular business hours. Unless a different period shall be mutually agreed upon by written contract, service will be discontinued by the end of the next business day. Until the utility shall have such notice, the customer may be held responsible for all service rendered.

(b) Utility Discontinuance of Service.

(1) Consideration of health and sanitation require that sewer service should not be discontinued because of non-payment of service charges unless the utility has first acquired the approval of the Commission. The sewer utility shall make use of such legal remedies as may be available for the collection of delinquent accounts prior to application to the Commission for other relief.

(2) Notice of discontinuance.

A. In the case of a sewer utility requesting termination of water service for non-payment of sewer service, service shall actually be discontinued no sooner than ten (10) days following the date that a sewer utility has mailed to a customer a statement that sewer bills are delinquent.

B. Where conditions hazardous to life or property are found to exist on the customer's premises, or where the utility's regulating, measuring or collection equipment or facilities have been tampered with, the water may be shut off without notice in advance.

C. Where written notice is required it must be sent first class mail, address service requested. Written notice shall comply with Sewer Form No. 1, attached to these rules. The written notice shall become void if the utility service has not been discontinued within thirty (30) days of the date indicated on the notice for termination.

D. Prior to disconnecting water service for non-payment of a sewer bill, the water utility shall make at least two (2) attempts to notify the customer through personal contact. First, the water utility shall either telephone or visit the customer at least 24-hours prior to a scheduled disconnection. Second, the water utility shall knock on the customer's door immediately prior to a disconnection. The inability to make personal contact shall not prevent the water utility from terminating service.

E. Service shall not be discontinued on a Saturday, or Sunday, any day that is a federal or state holiday, a day on which either the water utility's or the sewer utility's business office is not open to accept payment, or on the day before such days, unless an emergency exists.

F. All disconnections shall be performed between the hours of 8:00 a.m. and 4:00 p.m.

G. The water utility shall accept payment at the customer's premises in lieu of discontinuing service for a delinquent sewer bill. The payment must be for the entire amount of the delinquency to prevent termination. However, a utility

may refuse payment by check if the customer has, during the previous twelve (12) months, attempted to make a payment by a check subsequently returned by the bank for insufficient funds.

H. If a customer has received notice of a scheduled termination, and, to avoid such termination, makes payment by check which is subsequently dishonored by the bank, the sewer utility may then request the water utility to terminate service only after it has mailed notice, by first class mail, to the customer at least five (5) calendar days, excluding state or federal holidays, prior to termination; provided that at the option of the utility, either personal contact or telephone contact may be substituted for contact by first class mail.

I. If a landlord of a single-unit dwelling or a master-metered mobile home park, apartment building, motel, hotel or other multiple or single-unit dwelling is responsible for payment of a utility bill, written notice of termination in the form of Sewer Form No. 2 shall be placed at a location readily available for public inspection on the premises at least five (5) days prior to the scheduled termination of service to that mobile home park, apartment building, motel, hotel or other multiple or single-unit dwelling in order to provide notice of the scheduled termination to the tenants of said mobile home park, apartment building, motel, hotel or other multiple or single- unit dwelling. If the billing address for any single-unit service is different than the service location, a written notice in the form of Sewer Form No. 2 shall be delivered or posted at a visible location on the premises where the service is to be terminated at least five (5) days prior to the scheduled termination. This notice shall inform the occupant(s) of the date on or after which termination of service will occur and shall state the steps the occupant(s) can take to avoid termination of service.

J. A sewer customer who has been notified that water service is to be terminated for non-payment of sewer bills shall be given the opportunity to enter into a deferred payment agreement: Provided, that such customer has demonstrated an ability to pay but only in installments. The customer shall be informed at the time a disconnect notice is issued of the availability of a reasonable payment plan.

1. The details of the deferred payment agreement are to be negotiated between the utility and the customer and may consider several factors, including, but not limited to the following: Amount of the delinquency; ability of the customer to pay; payment history; time the delinquency has been outstanding; reasons why the delinquency has been outstanding; and any other relevant factors.
2. The deferred payment agreement shall include language informing the customer of the right to challenge the reasonableness of the proposed payments to the Commission.
3. During the challenge, the utility may not terminate service; provided that the current bill must be paid by the customer on time and in full in order to protect his rights under this rule.
4. Once a deferred payment agreement has been established, the customer must pay the current bill on time and in full and make timely payments in accordance with the deferred payment agreement.
5. If the customer's financial condition significantly changes and the existing payment agreement results in hardship, the utility shall renegotiate the payment agreement, consistent with the provisions of Rule 4.8.b.10.A. The customer shall provide documentation in support of his claim that his financial condition has changed. During the renegotiation period the customer must continue to pay the current bill on time and in full and make some payment on the delinquency.
6. If the deferred payment is not received in accordance with the terms of the agreement, or the payment is made with a check subsequently dishonored by the bank, the utility may terminate service only after it has mailed written notice, by first class mail, to the customer at least five (5) calendar days, excluding state or federal holidays, prior to notifying the water utility to terminate service provided that at the option of the utility, either personal contact or telephone contact with the customer may be substituted for contact by first class mail. If the customer pays the delinquent payment within that notice period, service shall not be terminated. However, if the customer has, during the previous twelve (12) months, attempted to make payment by a check which was subsequently dishonored by the bank, the utility may refuse the customer's check and immediately terminate service without additional notice.

K. A sewer utility requesting termination of water service for non- payment of sewer bills shall provide the water utility with a copy of the notice provided to the customer as required by Rule 4.8.b.1.

L. A sewer utility will provide the water utility with a written request for termination of water service for non-payment at least twenty- four (24) hours before the end of the 10-day notice period to the customer.

(3) Once a disconnected customer has paid his delinquency in full, or the utility has agreed to enter into a deferred payment agreement with the customer, and all disconnect and or reconnect fees have been paid, the utility shall reconnect the customer's water service as soon as possible, but no later than twenty-four (24) hours from the time the customer pays all disconnect and reconnect fees.

(4) Charge for reconnection. Whenever the supply of water is turned off for non-payment of sewer bills, the water utility may make a charge as provided for in Rule 4.8.c. of the Commission's "Rules for the Government of Water Utilities," 150CSR7.

(5) The utility shall not refuse, deny or discontinue service to an applicant or present customer due to a delinquency in payment for service by a previous occupant of the premises to be served unless such applicant or present customer and such previous occupant are members of the same household and were members of the same household at the time the delinquent bill was incurred.

(6) Combined water and sewer public service districts. Any public service district providing water and sewer service to its customers shall have the right to terminate water service for delinquency in payment of either water or sewer bills; provided that proper notice is given and procedures followed as set out in these rules.

(c) Refusal to Serve Applicants.

(1) Non-compliance with rules. Any utility may decline to serve an applicant until he has complied with these rules and the utility's rules set forth in a Commission approved tariff governing sewer service.

(2) Applicant's facilities inadequate. The utility may refuse to serve an applicant if the applicant's installation of sewer piping is hazardous or of such character that satisfactory service cannot be provided.

(3) A bill which has been found to be contractually uncollectible by a court or could reasonably be found to be uncollectible by reason of an applicable statute of limitations shall not be used by a utility to deny or discontinue service.

(4) Applicant's recourse. In the event that the utility shall refuse to serve an applicant under the provisions of this rule, or any other rule incorporated herein, the utility shall inform the applicant of the basis of its refusal, and the applicant may apply to the Commission for a ruling thereon. The refusal must be in writing with a copy sent to the Commission.

(Passed 3-5-07.)

921.11 ACCESS TO PROPERTIES.

(a) The utility shall, at all reasonable times, have access to service connections and other property owned by it on a customer's premises for purpose of inspection, maintenance and operation.

(b) Identification for Employees. Every employee, whose duties regularly require him to enter a customer's premises, shall wear a distinguishing uniform or other insignia identifying him as an employee of the utility and shall carry on his person an identification card which will identify him as an employee of the utility, containing a photograph of said employee. The identification card shall contain the telephone number of the utility as well as other pertinent information necessary to identify the employee. All other employees, whose duties require occasional entry into the homes or premises of customers, shall carry an identification card containing information as herein required. (Passed 3-5-07.)

921.12 DETRIMENTAL WASTES.

(a) No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer.

(b) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(1) Any gasoline, benzene, naphtha, fuel oil, motor oil or other flammable or explosive liquid, solid or gas.

(2) Any water or waste with a BOD in excess of 300 milligrams per liter, except as provided for herein.

(3) Any water or waste containing suspended solids in excess of 300 milligrams per liter, except as provided for herein.

(4) Any water containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant effluent.

(5) Any water or waste having a pH lower than 6.5 or higher than 8.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the wastewater works or the public sewers.

(6) Any solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, gravel, ashes, bones, red dog, sand, mud, coal, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk, containers, etc., either whole or ground by garbage grinders.

(c) The following described substances, materials, waters or wastes shall be limited in discharges to the sewer system, to concentrations or quantities which will not harm the sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sewer system which shall not be exceeded by any person without approval of the Manager are as follows:

(1) Wastewater having a temperature higher than 40^{o} C.

(2) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.

(3) Wastewater containing floatable oils, fat or grease in excess of 200 milligrams per liter.

(4) Any garbage that has not been properly shredded with no particle greater than one-half inch in any dimension. Garbage grinders may be connected to sanitary sewers only from homes, hotels, institutions, restaurants, hospitals, or similar places where garbage originates from the preparation of food in on-site kitchens for the purpose of consumption on the premises.

(5) Any water or waste containing iron, chromium, copper, zinc, mercury, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Manager for such materials.

(6) Any water or waste containing color-producing or odor-producing substances exceeding limits which may be established by the Manager.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Manager in compliance with applicable State and Federal regulations.

(8) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.

(9) Water or waste containing substances such as synthetic detergents which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(d) No statement contained in this article shall be construed as preventing any special agreement or arrangement between Council and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by Council for treatment.

(Passed 3-5-07.)

921.13 ADMISSION OF INDUSTRIAL WASTES.

(a) No person shall discharge or cause to be discharged into the sewer system any industrial wastes except upon application to WVDEP and upon receipt of a written permit therefore. An industrial waste permit shall be in addition to any other permit required for connection to the sewer system.

(b) Any person desiring to make or use a connection to the sewer system through which industrial wastes will be discharged into the

sewer system shall file with WVDEP an Industrial Wastes Permit.

(c) Any person who shall discharge industrial wastes into the sewer system, when approved by City, shall construct and thereafter properly maintain at his own expense, a suitable and accessible control manhole and other devices as may be approved by the Manager to facilitate observation, accurate measurement and sampling by the Manager of industrial waste discharges.

(d) Any improved property discharging industrial wastes into the sewer system and contemplating a change in the method of operation which will alter the characteristics and/or volumes of wastes at the time being discharged into the sewer system shall notify WVDEP, in writing, prior to such change must have WV DEP approval. Council reserves the right to require improved properties having large variations in rates of waste discharge to install suitable regulating devices for equalizing waste flows to the sewer system.

(e) Council reserves the right to impose surcharges on sewer user charges and/or impose other requirements in connection with any high strength or industrial waste discharged into the sewer system by agreement with the owner of the improved property, in accordance with the methods described in this article or by modification or alterations to this article as may be acceptable to the West Virginia Department of Environmental Protection and the United States Environmental Protection Agency, and/or require the pretreatment of such industrial waste at the expense of such owner.

(Passed 3-5-07.)

921.14 GREASE TRAPS.

(a) The purpose of this section is to control discharges into the public sewerage collection system and wastewater treatment plant that interfere with the operations of the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls, and contribute waste of a strength or form that either causes treatment difficulties or is beyond the treatment capability of the wastewater treatment plant.

(b) Control Plan for (Fog) and Food Waste:

(1) Any new construction, renovation, or expansion of Food Service Facilities shall be required to submit to the City a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system.

(2) Any existing Food Service facilities shall also be required to submit a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. Existing facilities shall not be exempt from the requirements of this ordinance. There will be no "Grandfathering."

(c) General Criteria:

(1) Installation Requirements: All existing, proposed, or newly remodeled Food Service facilities inside the City of Charles Town wastewater service area shall be required to install, at the user's expense an approved, properly operated and maintained grease trap.

(2) Sanitary sewer flows: Sanitary sewer flows from toilets, urinals, lavatories, etc. shall not be discharged into the grease trap. These flows shall be conveyed separately to the sanitary sewer service lateral.

(3) Floor Drains: Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease trap.

(4) Garbage grinders/disposers: It is recommended that solid food waste products be disposed of through normal solid waste/garbage disposal means. If a grinder/disposal is used it must be connected to the grease trap. The use of grinders is discouraged since it decreases the operational capacity of the grease trap and will require an increased pumping frequency to ensure continuous and effective operation.

(5) Dishwashers: Commercial dishwashers must be connected to the grease trap. Dishwashers discharge soap and hot water which can melt grease and allow it to pass through an undersized grease trap. Traps must be sized accordingly to allow enough detention time to allow water to cool and grease to solidify and float to the top of the trap.

(6) Location: Grease trap shall be installed outside the building upstream from the sanitary sewer service lateral connection. This will allow easy access for inspection, cleaning, and removal of the intercepted grease at any time. A grease trap may not be installed inside any part of a building without written approval by the City of Charles Town Utility Board.

(7) Pass Through Limits: No User shall allow wastewater discharge concentration from grease trap to exceed 100 MgPL (milligrams per liter) as identified by EPA method 413.

(d) Design Criteria:

(1) Construction: Grease traps shall be constructed in accordance with The City of Charles Town's standards and shall have a minimum of two compartments with fittings designed for grease retention. All grease removal devises or technologies shall be subject to the written approval of the Charles Town Utility Board. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

(2) Access: Access to grease traps shall be available at all times, to allow for their maintenance and inspection. Access to trap shall be provided by two manholes (one on each compartment) terminating at finished grade with cast iron frame and cover.

(3) Load-Bearing Capacity: In areas where additional weight loads may exist, the grease trap shall be designed to have adequate load- bearing capacity. (Example: vehicular traffic in driving or parking areas).

(4) Inlet and Outlet Piping: Wastewater discharging to a grease trap shall enter only through the inlet pipe of the trap. Each grease trap shall have only one inlet and one outlet pipe.

(5) Grease Trap Sizing: The required size of the grease trap shall be calculated using EPA-2 model. All grease traps shall have a capacity of not less than 1,000 gal. nor exceed a capacity of 3,000 gal. If the calculated capacity exceeds 3,000 gal., multiple units plumbed in series shall be installed.

(6) Central Business District: The Central Business District (CBD) shall be exempt to the sizing requirements of 921.14 and subject to the following requirements -

A. Compliance with the WV State Building Code

B. If sized by gallon capacity the tank shall have a liquid volume of not less than 150 gals. (ref: WVDHHR manual of Environmental Health Procedures - Procedure WW13)

C. If sized by standard PDI-G101 method the tank shall have a minimum of 50 lbs. of grease capacity.

D. All calculations shall be using maximum occupancy numbers established by the State Fire Marshall or the Code Official. All plans are subject to Fire Marshall and Health Department review as part of building plan review.

E. No building permit for food service in the CBD will be issued without Charles Town Utility Board review for maintenance requirements. (Passed 8-15-11)

(e) Grease Trap Maintenance:

(1) Cleaning/Pumping: The user at the user's expense shall maintain all grease traps to assure proper operation and efficiency and maintain compliance with the City's Pass Through Limits. Maintenance of grease trap shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. This work shall be performed by a qualified and licensed hauler. Decanting or discharging of removed waste back into the trap from which it was removed or any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited. This service shall also include a thorough inspection of the trap and its components. Any needed repairs shall be noted. Repairs shall be made at user's expense.

(2) Cleaning/Pumping frequency: The grease trap must be pumped out completely a minimum of once every four months, or more frequently, as determined by the City of Charles Town Utility Board, as needed to prevent carry over of grease into the sanitary sewer system.

(3) Disposal: All waste removed from each grease trap must be disposed of at a facility approved to receive such waste in accordance with the provisions of this program. In no way shall the pumpage be returned to any private or public portion of the City's sanitary sewer collection system. All pumpage from grease traps must be tracked by a manifest, which confirms pumping, hauling, and disposal of waste. The customer must obtain and retain a copy of the original manifest from the hauler.

(4) Maintenance Log: A grease trap cleaning/maintenance log indicating each pumping for the previous 24 months shall be maintained by each Food Service Facility. This log shall include the date, time, amount pumped, hauler, and disposal site and shall be kept in a conspicuous location for inspection. Said log shall be made available to the City of Charles Town Utility Manager or their representative upon request.

(5) Submittal of Records: Each user shall submit all cleaning and maintenance records to the City of Charles Town Utility Manager. The maintenance records shall include the following information:

A. Facility name, address, contact person, and phone number
B. Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap.
C. Types of maintenance performed.
D. Dates maintenance was performed.
E. Date of next scheduled maintenance.
F. Copies of manifests.

The user shall be required to submit maintenance records to the City of Charles Town Utility Manager on a biannual basis (twice per year). Records shall be submitted by March 1st and September 1st of each year. The records shall be submitted to:

Attn. City of Charles Town Utility Manager
P.O. Box 14
Charles Town, WV 25414

The City of Charles Town Utility Manager will perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the City of Charles Town Utility Manager, the user shall be required to perform the maintenance and records of said maintenance within 14 calendar days. Upon inspection by the City of Charles Town Utility Manager the user may be required to install, at his expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.

(f) Additives: Any biological additive(s) placed into the grease trap or building discharge line including but not limited to, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease shall require written approval by the City of Charles Town Utility Board prior to use. The use of such additives shall in no way be considered as a substitution to the maintenance procedures required herein,

(g) Chemical Treatment: Chemical treatments such as drain cleaners, acid, or other chemical solvents designed to dissolve or remove grease shall not be allowed to enter the grease trap.

(h) Sand, Soil, and Oil Interceptors: All car washes, truck washes, garages, service stations, car and truck maintenance facilities, fabricators, utility equipment shops, and other facilities (as determined by the City of Charles Town Utility Board) that have sources of sand, soil, and oil shall install effective sand, soil and oil traps, interceptors, and/or oil/water separators. These systems shall be sized to effectively remove sand, soil, and oil at the expected flow rates. These systems shall be, at the user's expense, cleaned or pumped on a regular basis to prevent impact upon the wastewater collection and treatment systems. Users whose systems are deemed to be ineffective by the Utility Board shall be asked to change the cleaning frequency or to increase the size of the system. Owners or operators of washing facilities will be required to prevent the inflow of detergents and rainwater into the wastewater collection system. Oil/water separator installations shall be required at facilities that accumulate petroleum oils and greases and at facilities deemed necessary by the Utility Board.

(i) Laundries: Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage (into the wastewater collection system) of solids ½" or larger in size such as rags, strings, buttons, or other solids detrimental to the system.

(j) Control Equipment: The equipment or facilities installed to control FOG, food waste, sand, soil, oil, and lint must be designed in accordance with the Southern Plumbing Code, the West Virginia Department of Environmental Protection and Conservation guidelines, most current engineering standards, or other applicable guidelines approved by the Utility Board. Underground equipment shall be tightly sealed to prevent inflow of rainwater and shall be easily accessible to allow regular maintenance and inspection. Control equipment shall be maintained by the owner and/or operator of the facility as to prevent a stoppage of the wastewater collection system, and the accumulation of FOG, food waste, sand, soil, and lint in the collection lines, pump stations, and wastewater treatment plant. If the City of Charles Town is required to clean out the wastewater collection lines, as a result of a stoppage resulting from poorly maintained

control equipment (or lack thereof) the owner or operator shall be required to refund the labor, equipment, materials, and any overhead costs to the City including any fines incurred due to any sanitary sewer overflow due directly to the stoppage. The City retains the right to inspect and approve any and all installations of control equipment.

(k) Alteration of Control Methods: The City of Charles Town, through the Utility Board, reserves the right to request additional control measures if existing control equipment is shown to be insufficient to protect the wastewater collection system and wastewater treatment plant from interference due to the discharge of FOG, sand, soil, lint, or any other undesirable materials.

(l) Enforcement and Penalties: Any person who violates this ordinance, in part or whole, shall be guilty of a civil violation punishable under and according to the general penalty provision of the City of Charles Town's Codified Ordinances. Each day's violation of this ordinance shall be considered a separate offense. (Passed 3-5-07.)

921.15 VALIDITY.

(a) All ordinances or parts of ordinances in conflict with this article are hereby repealed.

(b) The invalidity of any section, clause, sentence, or provision of this article shall not affect the validity of any other part of this article which can be given effect without such invalid part or parts.

(Passed 3-5-07.)

921.16 SEWER SERVICE RATES.

(a) Establishment. For the payment of the proper and reasonable expense of operation, repair, replacement, improvements, additions, betterments, extensions, and maintenance of the sewer system and for the payment of the sums required to pay the principal and interest of all sewer revenue bonds as the same become due, there is hereby established a schedule of just and equitable rates or charges for the use of and services rendered by the sanitary sewer system and works of the Charles Town Utility Board, a West Virginia public utility and a municipal corporation of the City of Charles Town, West Virginia, which schedule of rates or charges, based upon the metered amount of water supplied the premises, where possible, but providing for a flat rate when no meter is available, shall be as follows.

(b) Rules and Regulations. Rules and Regulations for the government of sewerage utilities adopted by the Public Service Commission of West Virginia, and now in effect, and all amendments thereto and modifications thereof hereafter made by the Commission are hereby adopted by reference.

SCHEDULE I

APPLICABILITY

Applicable within the entire territory formally served by the Charles Town Utility Board or the City of Ranson, including the municipalities of Charles Town and Ranson. Effective for service rendered on or after the date of enactment.

AVAILABILITY

Available for general domestic, commercial and industrial service and sale for resale sewer service.

RATES (Customers with a metered water supply)

First	2,000 gallons used per month	$14.79 per 1,000 gallons
Next	8,000 gallons used per month	$10.64 per 1,000 gallons
All over	10,000 gallons used per month	$9.67 per 1,000 gallons

MINIMUM CHARGE

No bill shall be rendered for less than $29.58 per month, which is the equivalent of 2,000 gallons. Where sewer service is available by gravity flow and the customer has not connected to public sewer, the customer shall pay this minimum charge.

FLAT RATE CHARGE (Customers with non-metered water supply)

Equivalent of 3,500 gallons of water usage, $45.54 per month.

MULTIPLE OCCUPANCY

In apartment buildings, trailer parks, shopping centers or other multiple occupancy buildings or properties served by a master water meter, each discrete dwelling or business unit shall be required to pay not less than the minimum monthly charge provided herein.

DELAYED PAYMENT PENALTY

The above scheduled is net. On all accounts not paid in full when due, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

TAP FEE

A tap fee of $400.00 will be charged to customers applying for service outside of a sewerage system improvement project for each new tap to the system.

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the sewer utility up to a maximum of $25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.

LEAK ADJUSTMENT

In accordance with the approved CTUB Leak Adjustment Policy, as well as the Public Service Commission of West Virginia (the "PSC") Title 150 Legislative Rule Series 7 Rules for the Government of Water Utilities (the "Water Rules") and Series 5 Rules for the Government of Sewer (the "Sewer Rules"), CTUB will make a leak adjustment only when the water usage being adjusted is in excess of 200% of the customer's historical usage that can be attributed to leakage on the customer's side of the point of service. The leak adjustment will be computed pursuant to applicable rules of the Public Service Commission, the leak adjustment rate (incremental cost of water and/or wastewater) and the customer's historic usage.

SECURITY DEPOSIT

Each new customer shall make a security deposit of $75.00 which shall be refunded per West Virginia regulation.

EXCESS POLLUTION SURCHARGE

A surcharge to recover extraordinary costs is levied upon customer discharges placing extraordinary demand upon treatment facilities, as measured by waste stream parameters of biochemical oxygen demand (BOD) and/or suspended solids in the wastewater. Users discharging any water or wastes with a zero-day average BOD in excess of 300 milligrams per liter or a 30-day average suspended solids content in excess of 300 milligrams per liter or containing suspended solids with a character or quantity of pollutant requiring unusual attention or expense to handle or treat, shall pay, in addition to the base monthly sewer user charges, an additional surcharge (Cs) as determined by the following formula:

$$Cs = Be\ (B) + Sc\ (S) + Pc\ (P)Vu$$

B = Concentration of B.O.D. from a user above a base level (300 mg/1)
Be= 0 & M cost of treatment of unit of biochemical oxygen demand (B.O.D.)
S = Concentration of suspended solids from a user above a base level (300mg/l)
Sc = 0 & M costs for treatment of a unit of suspended solids
Pc = 0 & M cost for treatment of a unit of any pollutant
P = Concentration of any pollutant from a user above a base level

Vu= Volume contribution from a user per unit of time.

SCHEDULE II

APPLICABILITY

Applicable within the territory formerly served by Jefferson County Public Service District. Effective for service rendered on or after the date of enactment.

AVAILABILITY

Available for general domestic, commercial, and industrial service.

RATES (customers with a metered water supply)

First	2,000 gallons used per month	$15.36	per 1,000 gallons
Next	8,000 gallons used per month	$14.29	per 1,000 gallons
Over	10,000 gallons used per month	$13.98	per 1,000 gallons

MINIMUM CHARGE

No bill will be rendered for less than $30.72 per month which is equivalent to 2,000 gallons per month. Where sewer service is available by gravity flow and the customer has not connected to public sewer, the customer shall pay this minimum charge.

FLAT RATE CHARGE (Customers with non-metered water supply)

Equivalent of 3,500 gallons of water usage, $52.16 per month

MULTIPLE OCCUPANCY

In apartment buildings, trailer parks, shopping centers or other multiple occupancy buildings or properties served by a master water meter, each discrete dwelling or business unit shall be required to pay not less than the minimum monthly charge provided herein.

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full when due, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

TAP FEE

A tap fee of $400.00 will be charged to customers applying for service outside of a sewerage system improvement project for each new tap to the system.

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the sewer utility up to a maximum of $25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.

LEAK ADJUSTMENT

In accordance with the approved CTUB Leak Adjustment Policy, as well as the Public Service Commission of West Virginia (the "PSC") Title 150 Legislative Rule Series 7 Rules for the Government of Water Utilities (the "Water Rules") and Series 5 Rules for the Government of Sewer (the "Sewer Rules"), CTUB will make a leak adjustment only when the water usage being adjusted is in excess of 200% of the customer's historical usage that can be attributed to leakage on the customer's side of the point of service. The leak adjustment will be computed pursuant to applicable rules of the Public Service Commission, the leak adjustment rate (incremental cost of water and/or wastewater) and the customer's historic usage.

SECURITY DEPOSIT

Each new customer shall make a security deposit of $75.00 which shall be refunded per West Virginia regulation.

EXCESS POLLUTION SURCHARGE

A surcharge to recover extraordinary costs is levied upon customer discharges placing extraordinary demand upon treatment facilities, as measured by waste stream parameters of biochemical oxygen demand (BOD) and/or suspended solids in the wastewater. Users discharging any water or wastes with a zero-day average B.O.D. in excess of 300 milligrams per liter or a 30-day average suspended solids content in excess of 300 milligrams per liter or containing suspended solids with a character or quantity of pollutant requiring unusual attention or expense to handle or treat, shall pay, in addition to the base monthly sewer user charges, an additional surcharge (Cs) as determined by the following formula:

$$Cs = Be\ (B) + Sc\ (S) + Pc\ (P)Vu$$

B = Concentration of B.O.D. from a user above a base level (300 mg/l)
Be= 0 & M cost of treatment of unit of biochemical oxygen demand (B.O.D.)
S = Concentration of suspended solids from a user above a base level (300mg/l)
Sc = 0 & M costs for treatment of a unit of suspended solids
Pc = 0 & M cost for treatment of a unit of any pollutant
P = Concentration of any pollutant from a user above a base level
Vu= Volume contribution from a user per unit of time.

SCHEDULE III CAPACITY IMPROVEMENT FEES

APPLICABILITY

Applicable to the entire service area and due and payable for each customer connection adding new flows into the sewer collection system and treatment facility. Effective for service connections proposed on or after the date of enactment.

CAPACITY IMPROVEMENT FEE

For all new service proposed to be connected to the Utility, there shall be paid to the Utility Board a Capacity Improvement Fee of $2,930 for each residential connection or non- residential connection adding new flows into the sewer collection system and treatment facility. The Capacity Improvement Fee will be paid at the time of building permit application and a receipt from CTUB will issued to the customer for the fees assessed. Connections shall be paid in accordance with the usage equivalent schedule set forth below.

ADDITIONAL CAPACITY IMPROVEMENT FEE - FLOWING SPRINGS PUMP STATION

Pursuant to the Flowing Springs Pump Station Repayment Agreement, customers in the Flowing Springs Development District connecting to the Flowing Springs Pump Station shall be charged an additional Capacity Improvement Fee of $1,625.00 for each residential or non-residential connection. Connections for non-residential use shall be paid in accordance with a residential usage equivalent schedule set forth hereinafter.

USAGE EQUIVALENTS FOR MULTIPLE RESIDENTIAL OR NON-RESIDENTIAL CAPACITY IMPACT FEES

Capacity impact fees for multi-residential and non-residential structures adding new flows to the sewer collection system and treatment facility shall be based upon the following:

UNIT	WATER GALLONS/DAY	RESIDENTIAL USAGE EQUIVALENT
Apartments	150/unit	1.0/unit
Bowling Alleys	200/alley	1.33/alley

Churches with kitchen	8/member	0.05/member
Churches w/o kitchen	2/member	0.013/member
Food Service	32/seat	0.213/seat
Fast Food Restaurant	35/seat	0.23/seat
Bar & Cocktail Lounge (additive)	2/patron	0.013/patron
Tavern - little or no food	20/seat	0.132/per seat
Hotel	120/room	0.8/per room
Industry, sanitary	15/person/shift	0.1/person per shift
Institutions:		
Hospital	25/bed	1.67/bed
Nursing Homes	150/bed	1.0/bed
Others	75/person	0.5/person
Office Buildings	15/person	0.1/person
Laundry Self Service	250/washer	1.67/washer
Motels	120/room	0.8/room
Retail Stores	400/toilet room	2.67/toilet room
Residence	150/residence	1.0/residence
School:		
Day, no cafeteria/showers	15/pupil	0.1/pupil
Day with cafeteria	18/pupil	0.12/pupil
Day, with cafeteria/showers	20/pupil	0.133/pupil
Boarding	75/pupil	0.5/pupil
Service Station	500/set of pumps	3.33/set of pumps
Shopping Centers	16/100 ft. of sales area	0.12/100 ft. of sales area
Swimming Pools	10/swimmer design capacity	0.067/swimmer design capacity
Capacity Theaters	3/seat	0.02/seat
Warehouse	15/employee	0.1/employee

If a unit does not appear on this schedule the sewer department shall determine its Residential Usage Equivalent in consultation with its consulting engineer.

EFFECTIVE DATE

The rates, charges and penalties provided herein shall become effective immediately after enactment.

SEPARABILITY: REPEAL OF CONFLICTING ORDINANCES

The provisions of this Ordinance are separable, and if any clause, provision or section hereof shall be held void or unenforceable by the West Virginia Public Service Commission or any court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance. Upon the effective date hereof, all ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflicts, hereby repealed, and to the extent that the provisions of this Ordinance do not touch upon the provisions of prior ordinances, (Ord. 2022-003. Passed 4-4-22.)

921.17 SPECIFICATIONS FOR SEWER LINES.

The purpose of this section is to establish consistent and uniform guidelines for the installation of sewer lines and connections thereto in the Charles Town Sewer Department service area. The document shall be considered a reference manual dated May 2002 and shall be considered a stand-alone document available to the public.

(Passed 3-5-07.)

921.18 SEVERABILITY.

Each section, subsection, paragraph, sentence, and clause of this ordinance is declared to be separable and severable.

(Passed 3-5-07.)

ARTICLE 925

Water Rates

925.01 Water Service Rates.
925.02 Specifications for water lines.
925.03 Cross-connection control.

CROSS REFERENCES

Power to collect - see W. Va. Code 8-12-5(32); Art. 8-19
Discontinuance for nonpayment - see W. Va. Code 8-19-13
Review by Public Service Commission - see W. Va. Code 24-2-4(b)
Deposit limitations - see W. Va. Code 24-3-8

925.01 WATER SERVICE RATES.

USE OF WATER METERS; PROVISION FOR FLAT RATE

For the payment of the proper and reasonable expense of operation, repair, replacements, improvements, additions, betterments, extension and maintenance of the water system and for the payment of the sums required to pay the principal and interest on all water revenue bonds as the same become due, there is hereby established a schedule of just and equitable rates, charges and penalties for the use of and services rendered by the municipal water system and works of the City of Charles Town, West Virginia, which schedule, based upon the metered amount of water supplied to the premises, where possible, but providing for a flat rate when no meter is available, shall be as follows:

RULES AND REGULATIONS

I. Rules and Regulations for the Government of Water Utilities, adopted by the Public Service Commission of West Virginia, and now in effect, and all amendments thereto and modifications thereof hereafter made by said Commission, are hereby adopted by reference.

SCHEDULE I

APPLICABILITY

Applicable within the entire area served except the contract rate and areas defined in Schedule II.

AVAILABILITY

Available for general domestic, commercial and industrial service.

RATES

First 10,000 gallons used per month $10.33 per 1,000 gallons
Next 30,000 gallons used per month $8.79 per 1,000 gallons
Over 40,000 gallons used per month $6.94 per 1,000 gallons
PNGI Contract Rate $4.86 per 1,000 gallons

MINIMUM CHARGE

No bill will be rendered for less than the following amounts, according to the size of the meter installed, to-wit:

5/8	inch or 5/8 inch x 3/4 inch meter	$25.83 per month
3/4	inch meter	$38.74 per month
1	inch meter	$64.57 per month
1 -1/2	inch meter	$129.14 per month
2	inch meter	$206.62 per month
3	inch meter	$387.42 per month
4	inch meter	$645.70 per month
6	inch meter	$1,291.40 per month

FLAT RATE CHARGE (Customers with non-metered water supply)

Equivalent of 3,500 gallons of water usage, $36.16 per month.

METERED SALES-OTHER

For direct sales at the Water Treatment Plant $6.94 per 1,000 gallons.

MULTIPLE OCCUPANCY

In apartment buildings, shopping centers or other multiple occupancy buildings, each unit shall be required to pay not less than the minimum monthly charge provided above.

TAP FEE

A tap fee of $500.00 will be charged to customers applying for service outside of a water system improvement project for each new tap to the system.

DISCONNECT FOR NON-PAYMENT

There shall be no disconnect charge for Charles Town Water and Sewer customers.

RECONNECTION SERVICE CHARGE

For Charles Town Water customers, water service will not be restored until all past due bills and penalties have been paid in full plus a reconnection fee of $25.00 has been paid.

DELAYED PAYMENT PENALTY

The above tariff is net. On all current usage billings not paid within twenty (20) days, a ten percent (10%) charge shall be added to the net current amount unpaid. The delayed payment penalty is not interest and is only to be collected once for each bill where it is appropriate.

LEAK ADJUSTMENT

In accordance with the approved CTUB Leak Adjustment Policy, as well as the Public Service Commission of West Virginia (the "PSC") Title 150 Legislative Rule Series 7 Rules for the Government of Water Utilities (the "Water Rules"), CTUB will make a leak adjustment only when the water usage being adjusted is in excess of 200% of the customer's historical usage that can be attributed to leakage on the customer's side of the point of service. The leak adjustment will be computed pursuant to applicable rules of the Public Service Commission, the leak adjustment rate of $0.42 per thousand gallons and the customer's historic usage.

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the water utility up to a maximum of $25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.

SECURITY DEPOSIT

Each new customer shall make a security deposit of $50.00 which shall be refunded per West Virginia Regulation.

SCHEDULE II

APPLICABILITY

Applicable to the Glen Haven and Cavaland subdivisions formerly served by Jefferson County Public Service District.

AVAILABILITY

Available for general domestic, commercial, and industrial service.

RATES

First 5,000 gallons used per month $18.84 per 1,000 gallons used
All over 5,000 gallons used per month $17.64 per 1,000 gallons used

MINIMUM CHARGE

No bill will be rendered for less than the following amount, according to the size of the meter installed:
5/8 inch meter (based on 2,500 gallons usage) $47.10 per month

TAP FEE

A tap fee of $500.00 will be charged to customers applying for service outside of a water system improvement project for each new tap to the system.

SERVICE CHARGE

For Charles Town Water customers, water service will not be restored until all past due bills and penalties have been paid in full plus a reconnection fee of $25.00 has been paid.

DELAYED PAYMENT PENALTY

The above tariff is net. On all current usage billings not paid within twenty (20) days, a ten percent (10%) charge shall be added to the net current amount unpaid. The delayed payment penalty is not interest and is only to be collected once for each bill where it is appropriate.

LEAK ADJUSTMENT

In accordance with the approved CTUB Leak Adjustment Policy, as well as the Public Service Commission of West Virginia (the "PSC") Title 150 Legislative Rule Series 7 Rules for the Government of Water Utilities (the "Water Rules"), CTUB will make a leak adjustment only when the water usage being adjusted is in excess of 200% of the customer's historical usage that can be attributed to leakage on the customer's side of the point of service. The leak adjustment will be computed pursuant to applicable rules of the Public Service Commission, the leak adjustment rate of $0.42 per thousand gallons and the customer's historic usage.

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the water utility up to a maximum of $25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.

SECURITY DEPOSIT

Each new customer shall make a security deposit of $50.00 which shall be refunded per West Virginia Regulation.

SCHEDULE III

CAPACITY IMPROVEMENT FEE

APPLICABILITY

Applicable to the entire service area and due and payable for each customer connection requiring new or additional flow from the water distribution system and treatment facility. Effective for service connection proposed on or after the date of enactment.
For all new service proposed to be connected to the Utility, there shall be paid to the Utility Board a Capacity Improvement Fee of $4,399.00 for each residential connection or non- residential connection requiring new or additional flow from the water distribution system and treatment facility. The Capacity Improvement Fee will be paid at the time of building permit application and a receipt from CTUB will be issued to the customer for the fees assessed. Connections shall be paid in accordance with the usage equivalent schedule set forth below.

USAGE EQUIVALENTS FOR MULTIPLE RESIDENTIAL OR NON-RESIDENTIAL CAPACITY IMPROVEMENT FEE

UNIT	WATER GALLONS/DAY	RESIDENTIAL USAGE EQUIVALENT
Single Family Unit	150	1.0
Apartments	150/unit	1.0/unit
Bowling Alleys	200/alley	1.33/alley
Churches with kitchen	8/member	0.05/member
Churches w/o kitchen	2/member	0.013/member
Food Service	32/seat	0.213/seat
Fast Food Restaurant	35/seat	0.23/seat
Bar & Cocktail Lounge (additive)	2/patron	0.013/patron
Tavern-Little or no food	20/seat	0.132/per seat
Hotel	120/room	0.8/per room
Industry, sanitary	15/person/shift	0.1/person per shift
Institutions:		
Hospital	250/bed	1.67/bed
Nursing Homes	150/bed	1.0/bed
Others	75/person	0.5/person
Office Buildings	15/person	0.1/person
Laundry Self Service	250/washer	1.67/washer
Motels	120/room	0.8/room

Retail Stores	400/toilet room	2.67/toilet room
Residence	150/residence	1.0/residence
School:		
Day, no cafeteria/showers	15/pupil	0.1/pupil
Day with cafeteria	18/pupil	0.12/pupil
UNIT	WATER GALLONS/DAY	RESIDENTIAL USAGE EQUIVALENT
Day with cafeteria/showers	20/pupil	0.133/pupil
Boarding	75/pupil	0.5/pupil
Service Station	500/set of pumps	3.33/set of pumps
Shopping Centers	16/100 ft. of sales area	0.12/100 ft. of sales area
Swimming Pools	10/swimmer design capacity	0.067/swimmer design capacity
Capacity Theaters	3/seat	0.02/seat
Warehouse	15/employee	0.1/employee

If a unit does not appear on this schedule, the Charles Town Utility Board shall determine its Residential Usage Equivalent in consultation with its consulting engineer. Where actual consumption history can demonstrate a change in the Equivalent, the Charles Town Utility Board may consider an equivalent reduction.
(Ord. 2022-012. Passed 12-5-22.)

925.02 SPECIFICATIONS FOR WATER LINES.

The purpose of this section is to establish consistent and uniform guidelines for the installation of water lines and connections thereto in the Charles Town Water Department service area. The document shall be considered a reference manual dated, December 2001, and amended May 2002, and shall be considered a stand-alone document available to the public.
(Ord. 02-15. Passed 6-17-02.)

925.03 CROSS-CONNECTION CONTROL.

(a) The City of Charles Town Utility Board recognizes that Cross-Connections and Backflow conditions either existing or potential in a public water system and/or a customer's water distribution system pose a threat to the public health and the environment. Therefore, the following program and articles of policy apply to our public water system (Water Purveyor) and to our customer's water distribution system(s) (Owner).

(b) Purpose:

(1) To protect the public water system served by the City of Charles Town Utility Board from the possibility of contamination or pollution by isolating within its customer's internal distribution water system(s), such contaminants or pollutants that could backflow due to back-pressure or back-siphonage into the public water system.

(2) To promote the elimination and/or control of cross-connections and backflow conditions, actual or potential, within a customer's in-plant potable water system(s) and non-potable systems.

(3) To provide for the maintenance of a continuing program of cross- connection control which will effectively prevent the contamination or pollution of the public and/or customer's water system(s) from cross- connections.

(c) Authority:

(1) By the Federal Safe Drinking Water Act of 1974 and 1996 amendment, and the Code of West Virginia Chapter 16, Article 1 Public Health Laws, WV Bureau for Public Health Chapter 1, Article 5B, the Water Purveyor has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water system.

(2) City of Charles Town Utility Board, Rules and Regulations, adopted.

(d) Responsibility: The Water Purveyor shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to backflow from back-pressure or back-siphonage of contaminants or pollutants through the water service connection. If, in the judgment of the Water Purveyor, an approved backflow preventer assembly is required at the water service connection to any customer's premises, the Water Purveyor, or his delegated agent, shall give notice in writing to said customer to install an approved backflow preventer assembly at each service connection to his premises. The customer shall, within ninety (90) days, install such approved assembly, or assemblies, at his own expense, and failure or refusal, or inability on the part of the customer to install said assembly or assemblies within ninety (90) days, shall constitute grounds for discontinuing water service to the premises until such assembly or assemblies have been properly installed.

(e) Definitions:

(1) Approved shall mean, accepted by the Water Purveyor as meeting an applicable specification stated, or cited in the WV Department of Health and Human Resources regulation, or as suitable for the proposed purpose.

(2) Auxiliary Water Supply shall mean, any water supply or water source, on or available, to a customer's premises other than the Water Purveyor's approved public water system.

(3) Backflow shall mean, the flow of water or other liquids, mixtures or substances, under positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

(4) Backflow Preventer shall mean, a device or assembly, or means designed to prevent backflow in a potable water system. Most commonly categorized as air gap, atmospheric vacuum breaker, barometric loop, double check with intermediate atmospheric vent, double check valve assembly, hose bibb vacuum breaker, pressure vacuum breaker, reduced pressure principle assembly, and residential dual check.

A. Air Gap: A physical separation sufficient to prevent backflow between the free-flowing discharge end of the potable water system and any other system. Physically defined as a distance equal to twice the diameter of the supply side pipe diameter but never less than one (1) inch.

B. Atmospheric Vacuum Breaker: A device which prevents backflow by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.

C. Barometric Loop: A fabricated piping arrangement rising at least thirty- five (35) feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against back-siphonage.

D. Double Check Valve Assembly: An assembly of two (2) independently operating spring loaded check valves with tightly closing shut-off valves on each side of the check valves, and properly located test cocks for the testing of each check valve.

E. Double Check Valve with Intermediate Atmospheric Vent: A device having two (2) spring loaded check valves separated by an atmospheric vacuum breaker.

F. Hose Bibb Vacuum Breaker: A device attached to a hose bibb and which acts as an atmospheric vacuum breaker.

G. Pressure Vacuum Breaker: An assembly containing an independently operated spring loaded check valve and an independently operated spring loaded air inlet valve located on the discharge side of the check valve. The assembly includes tightly closing shut-off valves on each side of the valves and properly located test cocks for the testing of the check and air valve.

H. Reduced Pressure Principle Backflow Preventer: An assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the chick valves and the relief valve.

I. Residential Dual Check: A device consisting of two (2) spring loaded, independently operating check valves. Generally employed immediately downstream of the water meter to act as a fixture isolation device.

(5) Backpressure shall mean, a condition in which the customer's system pressure is greater than the water purveyor's system pressure.

(6) Back-Siphonage shall mean, the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water system from any source other than the primary source caused by the sudden reduction of pressure or negative pressure in the potable water system.

(7) Community Water System shall mean, a public water system that serves at least 25 residents year around or that has 15 service connections serving year around residents.

(8) Containment (external protection) shall mean, a method of backflow prevention which requires a backflow preventer assembly be installed after the meter and prior to any water service entrance.

(9) Contaminant shall mean, a substance that will impair the quality of potable water to a degree that it creates a serious health hazard to the public leading to poisoning or the spread of disease.

(10) Cross-Connection shall mean, any actual or potential, direct or indirect, connection between the public water system and an unapproved water supply or other source of contamination or pollution.

(11) Cross-Connection and Backflow Prevention Manual shall mean the manual provided by the Bureau for Public Health, dated March 2002, to be used as a reference document and training manual for public water supply personnel, health officials, plumbers and other s involved in water supply distribution systems.

(12) Customer shall mean, as a billing unit or service connection to which drinking water is delivered by a public water system. A customer may also be identified as an owner.

(13) Degree of Hazard shall mean, the potential risk to health and the potential adverse effects upon the public water system based on the probability of backflow occurring and the type or nature of the contaminant. A health hazard is any condition, device or practice which creates or may create a danger to health and well being of the water consumer. A severe health hazard is any health hazard (contaminant) that could be expected to result in significant morbidity or death. A non-health hazard (pollutant) is any condition that could degrade the quality or adversely affect the public water system.

(14) Device shall mean, a single body backflow preventer with one or two check valves that cannot be tested and does not have shut off valves or test cocks.

(15) Fixture Isolation (internal isolation) shall mean, a method of backflow prevention where a backflow preventer is located to control a cross- connection or potential source of contamination at an in-plant piece of equipment or process location other than at a water service entrance.

(16) Owner shall mean, any person who has legal title to, or license to operate, or resides in a property or facility which is supplied drinking water from a public water system; may also be referred to as a customer.

(17) Person shall mean, any individual, partnership, company, public or private corporation, political subdivision, agency of the State, agency or instrumentality of the United States, or any other legal entity.

(18) Pollutant shall mean, a foreign substance, if permitted to enter the public water system, will degrade potable water quality so as to constitute a moderate hazard, or impair the usefulness of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect (appearance or color, odor, taste, etc.) the water for domestic use.

(19) Potable Water shall mean, water that is safe for human consumption as described by the West Virginia Bureau for Public Health.

(20) Public Water System shall include the works, auxiliaries, for the collection, treatment, storage and distribution of drinking water from the source of supply to a customer's premises. May also be known as a water purveyor.

(21) Water Purveyor shall mean, the Municipal Water Department, Water Board, Public Service District or other administrative authority invested with the authority and responsibility for a public water system.

(22) Water Service Entrance shall mean, that point in the customer's water system beyond the sanitary control of the public water system (water purveyor), generally considered to by the outlet end of the water meter and always before any unprotected branch water line.

(23) West Virginia Bureau for Public Health (WVBPH) shall mean, the State of West Virginia Bureau for Public Health.

(f) Administration:

(1) The Water Purveyor will establish, operate and promote a Cross- Connection and Backflow Prevention Control Program, to include the keeping of necessary records, which fulfills the requirement of the WVBPH Cross-Connections and Backflow Prevention Regulations.

(2) The Owner shall allow his property to be inspected for possible cross- connections and backflow conditions, and shall follow the provisions of the Water Purveyor's program and the WVBPH Cross-Connections and Backflow Prevention Regulations where a cross-connection is permitted.

(3) If the Water Purveyor requires that the public water system be protected by containment, the Owner shall be responsible for the installation and maintenance of the required backflow preventer assembly(ies) and for water quality beyond the outlet end of the containment assembly(ies) and could utilize fixture isolation protection for that purpose. The Owner may also seek local public health officials, or personnel from the Water Purveyor, or their designated representatives, or certified/licensed private sector personnel to assist him/her in the survey of their facility(ies) and to assist him/her in the selection of proper containment assemblies and/or fixtures isolation devices, and the proper installation of these assemblies/devices.

(g) Requirements:

(1) Water Purveyor.

A. On new installations, the Water Purveyor will provide an on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer assembly(ies), if any, that will be required and will perform inspection and testing.

B. For premises existing prior to the start of this program, the Water Purveyor will perform evaluations and inspections of plans and/or premises for actual and potential cross-connections and backflow conditions and inform the owner by letter of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made. Ordinarily, ninety (90) days will be allowed. However, this time period may be shortened depending upon the degree of hazard involved and the history of the device(s)/assembly(ies) already in place.

C. The Water Purveyor will not allow any actual or potential cross- connection to remain unless it is protected by an approved air gap or backflow preventer assembly(ies) and which must be regularly tested or inspected to insure satisfactory operation.

D. The Water Purveyor shall inform the Owner by letter, of any failure to comply, prior to a re-inspection. The Water Purveyor will allow an additional fifteen (15) days for the correction(s). In the event the Owner fails to comply with the necessary correction(s) by the time of a second re-inspection, the Water Purveyor will inform the Owner by letter, that the water service to the Owner's premises will be terminated within a period not to exceed five (5) days. In the event that the Owner informs the Water Purveyor of extenuating circumstances as to why the correction(s) has not been made, a time extension may be granted by the Water Purveyor, but in no case will exceed an additional thirty (30) days.

E. If the Water Purveyor determines at any time that a serious threat to the public health exists, water service will be terminated immediately.

F. The Water Purveyor will conduct initial and follow-up premise inspections to determine the nature of existing or potential hazards. The main focus will be on high hazard industries and commercial premises.

(2) Owner.

A. The Owner shall be responsible for the elimination or protection of all actual or potential cross-connections and/or backflow conditions on his/her premises.

B. The Owner, after having been informed by a letter from the Water Purveyor, shall at his expense, install, maintain, and test, or have tested, any and all backflow preventer assemblies on his premises.

C. The owner shall correct within thirty (30) days any malfunction or an air gap or backflow preventer assembly(ies) which is revealed by periodic inspection or testing. This may involve the removal and/or replacement of the backflow preventer assembly(ies)

D. The Owner shall inform the Water Purveyor of any proposed or modified cross-connections and also any existing cross-connections of which the Owner is aware, but have not been found by the Water Purveyor.

E. The Owner shall not install a by-pass around any backflow preventer assembly unless there is a backflow preventer assembly of the same type on the by-pass. Owners who cannot shut down operation for testing of the assembly(ies) must supply additional assemblies necessary to allow testing to take place.

F. The Owner shall install backflow preventer assemblies approved by the Water Purveyor or the WVBPH.

G. The Owner shall install backflow preventer assemblies in a manner approved by the Water Purveyor and general industry standards.

H. Any Owner having a private well or other auxiliary water source must have the approval of the Water Purveyor and the WVBPH if the well or source is cross-connected to the Water Purveyor's system. Permission to cross-connect may be denied. The Owner may be required to install a backflow preventer assembly at the service entrance if a private water source is maintained, even if it is not cross-connected to the Water Purveyor's system.

I. In the event the Owner installs plumbing to provide potable water for domestic purposes which is on the Water Purveyor's side of a backflow preventer assembly, such plumbing must have its own backflow preventer assembly installed.

J. The Owner shall be responsible for the payment of all fees for service, permits, periodic assembly testing, retesting in the case that a backflow preventer assembly fails to operate correctly, and follow-up re-inspections for non-compliance with the Water Purveyor or WVBPH requirements.

(h) Degree of Hazard: The Water Purveyor recognizes the threat to the public water system arising from cross-connections and backflow conditions. All threats will be classified by degree of hazard which will determine the requirements for the installation of approved backflow preventer assemblies in accordance with the Cross-Connection and Backflow Prevention Manual dated March, 2002. The following list contains industries, commercial establishments and other facilities that have historically posed threats to the public water supply and includes, but is not limited to, automotive manufacturing plants, chemical, planting, processing plants, chemical tank car cleaning facilities, breweries, bottling plants, canneries, packing houses, meat processing operations, dairy processing operations, photographic developing laboratories, research laboratories, oil and gas production, storage or transmission operations, power plants, Hospitals, medical buildings, sanitariums, nursing or convalescent homes, clinics, dentist offices, mortuaries, morgues, funeral homes, refrigeration or cold storage plants, laundries, dry cleaning operations, car washes, grain elevators, restaurants, taverns, beauty salons, barber shops, greenhouses, marinas, schools, churches, parks, golf courses (lawn sprinkling systems), cemeteries (lawn sprinkling systems), sewage treatment plants, sewage lift stations, water treatment plants, private homes with wells, swimming pools, lawn sprinkling systems and apartment complexes.

(i) Existing In-Use Backflow Prevention Devices: Any existing backflow preventer assembly shall be allowed by the Water Purveyor to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer assembly, or there is an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment any existing backflow preventer assemblies must be upgraded to a reduced pressure principle assembly, or a reduced pressure principle assembly must be installed in the event that no backflow preventer assembly is present.

(j) Periodic Testing:

(1) Backflow preventer assemblies shall be tested and inspected at least annually.

(2) Periodic testing shall be performed by a WVBPH certified tester. This testing will be done at the Owner's expense.

(3) Any backflow preventer assembly which fails during a periodic test will be repaired or replaced. When repairs are necessary, upon completion of the repair, the assembly will be retested at the Owner's expense to ensure correct operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer assembly fails the periodic test and cannot be repaired immediately. In other situations, a compliance date of not more than thirty (30) days after the test date may be established. The Owner is responsible for the costs of all testing, repair service, replacement parts, or a replacement assembly. Parallel installation of two (2) assemblies is an effective means of the owner insuring uninterrupted water service during testing or repair of one of the assemblies and is strongly recommended when the Owner desires such continuity.

(4) Backflow preventer assemblies will be tested more frequently than specified in #1. above in cases where there is a history of test failures and the Water Purveyor feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be born by the Owner.

(k) Records:

(1) The Water Purveyor will initiate and maintain (update) the following:

A. Master files on customer cross-connections.

B. Master files on customer backflow preventer tests, repairs and replacements.

C. Copies of any of the above and other records and/or reports supplied to the WVBPH.

(2) Upon request, the Water Purveyor will submit records of inspection and non-compliance, surveys, tests results and/or corrective actions, and backflow incident reports to the West Virginia Bureau for Public Health.

(Passed 9-4-07.)

Charles Town Utility Board

Analysis of Debt Service Coverage - New Rates, Projects and Forecast Pro Forma

For the year ended June 30, 2024

As of October 11, 2023

	Water Department	Sewer Department	Total
Revenues	$ 6,749,624	$ 7,884,872	$ 14,634,496
Modification to Revenues:			
Interest	(43,030)	(193,657)	(236,687)
Grant Revenues	(11,080)	-	(11,080)
Gain on Sale of Assets	(14,005)	(37,159)	(51,164)
CIF & CAC Revenues	(1,295,971)	(1,208,563)	(2,504,534)
Operating Revenues	5,385,538	6,445,493	11,831,031
Expenses **(fy '2024 forecast)**	3,232,029	3,950,000	7,182,029
Modifications to Expenses:			
Depreciation and amortization expense	-	-	-
Bond issuance costs	-	-	-
Loss on disposition of assets	-	-	-
Pension expense	-	-	-
Pension contractual payments	-	-	-
OPEB expense	-	-	-
OPEB contractual payments	-	-	-
Interest on Long Term Debt	-	-	-
Operating Expenses Net of Non-cash Items and Interest Expense	3,232,029	3,950,000	7,182,029
Operating Income Available for Debt Service	2,153,509	2,495,493	4,649,002
Debt Service Expenditures:			
Principal Payments on Bond Issues	1,045,978	1,336,726	2,382,704
Interest Payments on Bond Issues	500,482	622,353	1,122,835
Total Debt Service Expenditures	1,546,460	1,959,079	3,505,539
Operating Income Available After Bond Debt Service	$ 607,049	$ 536,414	$ 1,143,463
Debt Service Coverage Ratio	139.25%	127.38%	132.62%
Required Debt Service Coverage Ratio	115.00%	115.00%	115.00%
Amount of Coverage in Excess of 130%	$ 143,111	$ (51,310)	$ 91,802
Excess coverage as a % of revenues	2.66%	-0.80%	0.78%

Prepared by J.C. Kunkle and Associates, A.C.
10/12/2023 1:05 PM
\\jck-dcf01\data\John_Excel\Charles Town Utility Board - Analysis of Debt and Debt Service - 2023

CHARLES TOWN UTILITY BOARD - WATER

SUMMARY OF REVENUE UNDER PRESENT RATES

2022/2023

Class	Charles Town and Ranson	Jefferson County	Total
Residential	2,568,023	95,415	2,663,438
Flat Rate			-
Total Residential	2,568,023	95,415	2,663,438
Commercial	1,130,508	525	1,131,033
Race Track	159,423		159,423
Total	$ 3,857,953	$ 95,940	$ 3,953,893

2023/2024

Class	Charles Town and Ranson	Jefferson County	Total
Residential	3,030,150	61,831	3,091,981
Flat Rate			-
Total Residential	3,030,150	61,831	3,091,981
Commercial	1,308,142	44	1,308,186
Race Track	191,241		191,241
Total	$ 4,529,533	$ 61,875	$ 4,591,408
Total Increase	**$ 671,580**	**$ (34,065)**	**$ 637,515**
Total Percentage	***105.34%***	***-5.34%***	***100.00%***

CHARLES TOWN UTILITY BOARD
WATER OPERATIONS
OPTION A1 - RATE EQUALIZATION WITH 2,000 GALLON MONTHLY MINIMUM
COMPARISON OF COST OF SERVICE WITH REVENUES UNDER PRESENT AND PROPOSED RATES
FOR THE TEST YEAR ENDED JUNE 30,2024

Customer Classification	Cost of Service Amount (Schedule B)	Cost of Service Percent	Revenues, Present Rates Amount	Revenues, Present Rates Percent	Revenues, Proposed Rates Amount	Revenues, Proposed Rates Percent	Proposed Increase Amount	Proposed Increase Percent Increase
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Residential	$ 3,078,519	67.0%	$ 2,663,438	67.4%	$ 3,091,981	67.3%	$ 428,543	16.1%
Commercial	$ 1,280,466	27.9%	1,131,033	28.6%	1,308,186	28.5%	177,154	15.7%
Race Track	$ 232,569	5.1%	159,423	4.0%	191,241	4.2%	31,818	20.0%
Total Sales	4,591,554	100.0%	3,953,893	100.0%	4,591,408	100.0%	637,515	16.1%
Other Revenues	143,000		143,000		143,000		-	0.0%
Total	$ 4,734,554		$ 4,096,893		$ 4,734,408		$ 637,515	15.6%

WATER OPERATIONS

OPTION A1 - RATE EQUALIZATION WITH 2,000 GALLON MONTHLY MINIMUM - ANALYSIS FOR COUNCIL

COMPARISON OF COST OF SERVICE WITH REVENUES UNDER PRESENT AND PROPOSED RATES

FOR THE TEST YEAR ENDED JUNE 30,2024

Customer Classification	Cost of Service Amount (Schedule B)	Cost of Service Percent	Revenues, Present Rates Amount	Revenues, Present Rates Percent	Revenues, Proposed Rates Amount	Revenues, Proposed Rates Percent	Proposed Increase Amount	Proposed Increase Percent Increase
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Residential	$ 3,078,519	67.0%	$ 2,663,438	67.4%	$ 3,075,137	67.0%	$ 411,699	15.5%
Commercial	$ 1,280,466	27.9%	1,131,033	28.6%	1,284,112	28.0%	153,079	13.5%
Race Track	$ 232,569	5.1%	159,423	4.0%	232,245	5.1%	72,822	45.7%
Total Sales	4,591,554	100.0%	3,953,893	100.0%	4,591,493	100.0%	637,600	16.1%
Other Revenues #N/A	143,000		143,000		143,000		-	0.0%
Total	$ 4,734,554		$ 4,096,893		$ 4,734,493		$ 637,600	15.6%

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-926: Possible First Reading of Article 1759 Vacant Buildings

ATTACHMENTS:

- Amended Article 1759.pdf

ARTICLE 1759
Vacant Buildings

1759.01 Purpose and scope.

1759.02 Definitions.

1759.03 Registration of vacant buildings; enforcement.

1759.04 Maintenance of vacant buildings.

1759.05 Appeals.

1759.06 Schedule of registry fees.

1759.07 Severability.

1759.08 Transition Provisions.

1759.01 PURPOSE AND SCOPE.

This Article is enacted pursuant to W. V. Code Chapter 8, Article 12, Section 16c for the purpose of ensuring that each Vacant Building in the City is properly monitored and maintained so as to provide for public health, safety, and welfare, including being safe for entry by police officers, fire fighters, and other emergency personnel in times of emergency. This article provides for registration and inspection of Vacant Buildings.

~~(Ord. 2023- XXX. Passed XX-XX-XX.)~~

1759.02 DEFINITIONS.

When used in this article, the following capitalized words and phrases shall have the meanings indicated:

(a) "Alternative Means of Service" means, when service of notice or process under this Article is required to be made by Certified Mail but cannot be obtained, service of the notice or process by all of the following: (i) regular U.S. mail addressed as specified in subsections (i) or (ii) of the definition of Certified Mail; (ii) publication as a Class II legal advertisement (as defined in W. Va. Code § 59-3-2); and (iii) posting on the front door or other conspicuous location on the subject Building. Service of notice or process by Alternative Means of Service shall be deemed made on the third (3rd) day following the earliest date on which such mailing, publishing, and posting have all occurred.

(b) "Building" means a structure having a roof supported by walls or columns that stands more or less permanently in one place and is utilized or intended for the shelter, housing, or enclosure of persons, animals, or personal property.

(c) "Building Code" means, collectively, the West Virginia State Fire Code, as adopted by the City under Article 1511 of the Codified Ordinances, and the West Virginia State Building Code, as adopted and amended by the City under Article 1705 of the Codified Ordinances.

(d) "Certified Mail" means U.S. certified mail, return receipt requested, addressed to: (i) in all cases except where a Non-resident Owner has designated a Local Agent pursuant to Section 1759.03(c) of this Article, the name and last known address of the Owner according to the records of the Jefferson County Tax Office; and (ii) in the case where a Non-resident Owner has designated a Local Agent pursuant to Section 1759.03(c) of this Article, the name and address of the designated Local Agent. Service of notice or process by Certified Mail shall be deemed made upon delivery, as evidenced by the return receipt.

(e) "Non-resident Owner" means an Owner of a Vacant Building whose legal residence is outside the State of West Virginia.

(f) "Owner" means a person who individually or jointly with others:

(1) Has legal title to the property, with or without actual possession of the property;

(2) Has charge, care or control of the property as owner or agent of the owner;

(3) Is an executor, administrator, trustee, or guardian of the estate of the owner;

(4) Is the agent of the owner for the purpose of managing, controlling, or collecting rents; or

(5) Is entitled to control or direct the management or disposition of the property.

(g) "Staff" means the Vacant Buildings Official and any of his or her staff or other City employees to which the Vacant Buildings Official delegates duties.

(h) "Vacant Building" means any residential Building that has not been occupied lawfully as a residence, or any non-residential Building that has not been occupied lawfully for its ordinary expected use, during the immediately preceding six (6) consecutive months or, in the case of seasonal Buildings, such as vacation homes, one (1) year.

(1) Occupancy will be determined by the status and use of the utilities, property condition, and similar factors, including, but not limited to, the following:

(A) A Building shall not be considered occupied merely due to entry for purposes not consistent with its ordinary expected use.

(B) A Building that is unsecured and occupied by one or more unauthorized persons shall not be considered occupied lawfully for purposes of the above definition.

(2) Notwithstanding anything to the contrary above, the following shall not be considered a Vacant Building:

(A) A new Building under construction while a building permit for the construction is issued, the work is proceeding on schedule with appropriate inspection requests, and the permit is unexpired.

~~(B) A Building owned or then actively leased by an individual in active-duty service with the United States Armed Forces while stationed or deployed at a location in excess of one hundred (100) miles from the Building. The Vacant Buildings Official may require a copy of orders or other satisfactory evidence of such situation.~~

(3) When this Article refers to a Vacant Building with respect to filing a lien thereon, or registering the same in the Vacant Buildings Registry, or otherwise as the context requires, such reference shall include the real property upon which the Vacant Building is located.

(i) "Vacant Buildings Official" means the City Building Official designated under Article 1705 of the Codified Ordinances.

~~(Ord. 2023- XXX. Passed XX-XX-XX.)~~

1759.03 REGISTRATION OF VACANT BUILDINGS; ENFORCEMENT.

(a) Registry. There shall be established and maintained a Vacant Buildings Registry, in which all Vacant Buildings in the City shall be registered.

(b) Notice of Requirement to Register. Prior to the last day of April in each year, the Vacant Buildings Official shall cause a Notice of Requirement to Register to be published as a Class II legal advertisement (as defined in W. Va. Code § 59-3-2) and mailed by regular U.S. mail to: the name and address of the Owner, as appearing in the Vacant Buildings Registry, of each Vacant Building then registered in such registry; and the name and last known address of the Owner, according to the records of the Jefferson County Tax Office, of each Building that Staff has determined to be, or reasonably suspects to be, a Vacant Building. The Notice of Requirement to Register shall provide notice that, pursuant to the Vacant Buildings Ordinance: (i) the Owner of any Vacant Building within the City is required to annually register that Vacant Building in the Vacant Buildings Registry by submission of a completed Vacant Building Registration together with payment of a registry fee in the specified applicable amount no later than the first day of July in the subject year~~; (ii) upon the initial registration of a Vacant Building in such registry, or in the event of re-registration of a Vacant Building that previously was registered but later removed from the registry, payment of a registry fee in the specified applicable amount must accompany submission of the Vacant Building Registration~~; (~~iiiii~~) in the event of the failure to so register~~that a Vacant Building Registration is not timely submitted with respect to~~ a Building then or subsequently determined to be a Vacant Building pursuant to ~~Section 1759.03(e)~~the Vacant Buildings Ordinance, such Vacant Building shall be involuntary registered ~~pursuant to Section 1759.03(e), and~~ the Owner of the Vacant Building shall be charged a registry fee in the specified applicable amount whether or not the subject Vacant Building is then registered in the Vacant Buildings Registry pursuant to

registration in a prior year, and such failure shall be a violation of this Ordinance subject to a fine in the specified applicable amount; (~~i~~viii) if any applicable registry fee is not timely paid, the City may bring a civil action against the Owner to collect such registry fee and/or file a lien against the subject real property for the amount of such registry fee; and (~~v~~iv) a Non-resident Owner of a Vacant Building is required to designate a Local Agent to accept service of process and certain notices on behalf of the Non-Resident Owner. Publication of the Notice of Requirement to Register shall state where a person may obtain a blank Vacant Building Registration, and a blank Vacant Building Registration shall be sent with any mailed Notice of Requirement to Register.

(1) Neither the failure of the Vacant Buildings Official to mail a Notice of Requirement to Register to any Owner of a Vacant Building nor the non-receipt of a Notice of Requirement to Register by any Owner of a Vacant Building will relieve the Owner of the requirements under this Article.

(c) Non-resident Owners. Each Non-resident Owner is required to provide to the Vacant Buildings Official a signed and notarized document designating the name and address of a person who resides within the State of West Virginia and who the Non-resident Owner authorizes to accept service of process and notices of fees due under this section on behalf of the Non-resident Owner and who is designated as the Non-resident Owner's responsible agent for the purposes of receipt of notification in the event of an emergency affecting the public health, safety, or welfare (a "Local Agent"). Once provided, such document shall remain in effect until cancelled in writing by the Owner; *provided that,* the Owner shall be responsible for notifying the Vacant Buildings Official of any changes in the name or address of a Local Agent. Failure to provide such document by July 1 of the first year following enactment of this Article in which a Non-resident Owner owns a Vacant Building is a violation of this Ordinance subject to the General Penalty fine specified in Section 101.99 of the Codified Ordinances. Any provision herein requiring notice to or service upon an Owner shall be satisfied by notice to or service upon the Owner's designated Local Agent.

(d) Voluntary Registration. By July 1 of each year, the Owner of any Vacant Building within the City is required to register the Vacant Building in the Vacant Building Registry by submitting ~~a completed Vacant Building Registration~~ to the Vacant Buildings Official a completed Vacant Building Registration together with the registry fee required under Section 1759.03(g). A Vacant Building Registration will not be considered effective unless and until ~~any~~such registry fee~~s required under Section 1759.03(g) are~~is received by the Vacant Buildings Official.

(1) Failure to timely register a Vacant Building in the Vacant Building Registry in any year is a violation of this Ordinance subject to the applicable fine specified below:

Occurrence	Amount of Fine
First Failure	$250.00
Second Failure	$500.00
Third Failure	$1,000.00
Each Subsequent Failure	$2,000.00

(e) Involuntary Registration. Staff shall investigate any Building that is suspected to be a Vacant Building and determine whether it shall be considered a Vacant Building. Upon Staff's determination that a Building is a Vacant Building, Staff shall: (i) set forth in a written statement its findings supporting the determination; (ii) place the Owner of such Vacant Building on the list of persons to receive Notice of Requirement to Register pursuant to Section 1759.03(b); (iii) notify the Owner of the Vacant Building in writing by Certified Mail or Alternative Means of Service of Staff's determination that the Building is a Vacant Building that the Owner must annually register in the City's Vacant Buildings Registry by submission of a completed Vacant Building Registration together with payment of the applicable registry fee by ~~the following~~ July 1 of the subject year, after which the City will involuntarily register the Vacant Building, with all applicable fees and fines due; and (iv) in the event the Owner fails to register the Vacant Building in any year by timely submitting a completed Vacant Building Registration together with payment of the applicable registry fee, involuntarily register the Vacant Building in the Vacant Building Registry and assess against the Owner any registry fees required under Section 1759.03(g) whether or not the subject Vacant Building is then registered in the Vacant Buildings Registry pursuant to voluntary or involuntary registration in a prior year.

(f) Exemption from Registration. The Owner of a Vacant Building may submit in writing to the Vacant Buildings Official, for presentation to and consideration by City Council, a request for exemption from registration of such Vacant Building in the Vacant Buildings Registry due to inability to occupy the Building for a period stated and for reasons stated in the request. Upon a finding of good cause shown, City Council may exempt the Building from registration for a time specified in City Council's decision. Examples of circumstances when good cause for an exemption may exist include when the Vacant Building is being actively marketed for sale following the Owner's move to other property, or when the Vacant Building is being offered for lease following a prior tenant's vacation of the property.

(g) Registry Fees.

(1) The voluntary registry fee set forth in Section 1759.06(a) for the applicable type of Building shall be ~~assessed~~charged to the Owner of a Vacant Building ~~upon its initial~~in each year that it is voluntary ~~registration~~registered by the Owner pursuant to Section 1759.03(d) ~~and also in the instance that the Vacant Building is voluntarily re-registered in the Vacant Buildings Registry after previously having been registered and later removed from such registry~~. ~~Thereafter, the voluntary registry fee shall not be further assessed for so long as the Owner continues to voluntarily register the Vacant Building annually. The voluntary registry fee shall be submitted with the Owner's submission of the Vacant Building Registration by which the Vacant Building is first registered (or first re-registered in the case of a prior registration and removal from the registry) and due at that time.~~

(2) The involuntary registry fee set forth in Section 1759.06(b) for the applicable type of Building shall be ~~assessed~~charged to the Owner of a Vacant Building in each year that it is involuntarily registered pursuant to Section 1759.03(e). In addition to the involuntary registry fee, the Owner shall reimburse the City for all its costs incurred in

notifying the Owner of Staff's determination of Vacant Building status and of the registry fee due. The Owner shall be notified in writing of the involuntary registry fee due, together with all costs reimbursable to the City hereunder, by Certified Mail or Alternative Means of Service, which amounts are due when service of the notice is deemed made under Section 1759.02(a) or Section 1759.02(d), as the case may be.

(3) The City may take the following actions in order to collect any registry fees and costs reimbursable to the City that are not paid in full within thirty (30) days of when due:

(A) After providing the Owner the notice specified below, file in the Office of the Clerk of the County Commission of Jefferson County a lien against the Vacant Building for the full amount of the delinquent registry fees and reimbursable costs, plus filing fees. Prior to filing such lien, the Vacant Buildings Official shall notify the Owner of the Vacant Building in writing by Certified Mail or Alternative Means of Service that the City may file said lien unless all delinquent amounts are paid by a date stated in the notice, which stated date shall be no less than thirty (30) days following the date on which service of the notice is deemed made under Section 1759.02(a) or Section 1759.02(d), as the case may be.

(B) Institute a civil action in the Circuit Court of Jefferson County against the Owner for the delinquent registry fees, reimbursable costs, and reasonable attorney fees and court costs incurred relative to the civil action.

(4) A registry fee paid shall be refunded if, on timely appeal, Staff's determination requiring registration as a Vacant Building is reversed.

(h) Removal from Registry. In the event a Building in the Vacant Buildings Registry becomes lawfully occupied or is removed from the subject real property, the Owner of the Building is required to provide to the Vacant Buildings Official a written notice explaining the situation, together with evidence thereof (such as a copy of a lease of the property, photographs of demolition, etc.), and requesting removal of the Building from the Vacant Buildings Registry. Upon Staff's verification of lawful occupation or removal of the Building, the Building shall be removed from the Vacant Buildings Registry. In the event Staff is unable to verify lawful occupation or removal of the Building, the Vacant Buildings Official shall notify the Owner of the Building in writing by Certified Mail or Alternative Means that Staff has determined that it is unable to verify lawful occupation or removal of the Building and that the Building shall continue to be considered a Vacant Building and remain registered in the Vacant Buildings Registry with all applicable registry fees and fines due. In the event the Owner of a Building in the Vacant Buildings Registry fails to provide to the Vacant Buildings Official such written notice with respect to any Building by July 1 of any year, then, notwithstanding that such Building is in fact lawfully occupied or removed from the subject real property, the Building shall continue to be considered a Vacant Building and remain registered in the Vacant Buildings Registry with all applicable registry fees and fines due.

~~(Ord. 2023-XXX. Passed XX-XX-XX.)~~

1759.04 MAINTENANCE OF VACANT BUILDINGS.

(a) Required Maintenance. The Owner of a Vacant Building is required to maintain the Vacant Building in accordance with all applicable provisions of the Building Code and so as not to constitute a public nuisance prohibited by Article 1101 of the Codified Ordinances.

(b) Enforcement. In the event an Owner fails to maintain a Vacant Building as required by Section 1759.04(a) as determined by the Vacant Buildings Official, the Vacant Buildings Official may notify the Owner of the Vacant Building in writing by Certified Mail or Alternative Means of Service of such determination and the specifics of the identified failure and that the City may elect to take specified actions, which may include repairs, maintenance, and/or demolition, at the Owner's cost to bring the Vacant Building into compliance with the Building Code and/or eliminate the public nuisance, as the case may be, if the Owner does not take and complete the specified actions within a specified number of days following the date on which service of the notice is deemed made under Section 1759.02(a) or Section 1759.02(d), as the case may be, which number of days shall be determined by the Vacant Buildings Official considering the urgency for the action in light of the potential harm to public health, safety, and welfare due to the condition of the Vacant Building. If the Owner fails to take and complete the specified actions within the number of days specified in such notice, the City may, in its discretion and notwithstanding any provision of Article 1101 or Article 1705 of the Codified Ordinances to the contrary, thereafter take such actions and the Owner shall be responsible for the costs of such actions, as well as all related legal and administrative costs incurred by the City. The City may bring a civil action against the Owner to collect all such costs.

(c) Alternative Enforcement. Nothing in this Section 1759.04 shall be considered to affect or limit the City's authority or actions to enforce any other provisions of the Codified Ordinances pertaining to a Vacant Building or its condition, including without limitation provisions of Articles 1101 and 1705.

~~(Ord. 2023- XXX. Passed XX-XX-XX.)~~

1759.05 APPEALS.

An Owner adversely affected by a determination made pursuant to this Article (excepting a determination regarding a request for exemption from registration made pursuant to Section 1759.03(f)) may appeal such determination to City Council by filing with the City Clerk a written notice of appeal within thirty (30) days of the date on which service of the notice of the subject determination is deemed made under Section 1759.02(a) or Section 1759.02(d), as the case may be, after which 30 day period the right to an appeal shall expire. The decision of City Council on any such appeal, as well as a determination by City Council regarding a request for exemption from registration made pursuant to Section 1759.03(f), may be appealed by an Owner to the Circuit Court of

Jefferson County within thirty (30) days of the Owner's receipt of the subject decision or determination, after which 30-day period the right to an appeal shall expire.

~~(Ord. 2023- XXX. Passed XX-XX-XX.)~~

1759.06 SCHEDULE OF REGISTRY FEES.

(a) Voluntary Registry Fee. The following voluntary registry fee, as specified for the type of Building at issue based upon its use when last occupied, shall be charged upon the voluntary registration of a Vacant Building pursuant to Section 1759.03(d) as provided in Section 1759.03(g)(1):

(1) Residential Building: $250

(2) Non-Residential Building: $500

(b) Involuntary Registry Fee. The following involuntary registry fee, as specified for the type of Building at issue based upon its use when last occupied, shall be charged upon the involuntary registration of a Vacant Building pursuant to Section 1759.03(e) as provided in Section 1759.03(g)(2):

(1) Residential Building: $500

(2) Non-Residential Building: $1,000

(c) Use of Registry Fees. All registry fees assessed under this Article shall, when collected, be deposited in a separate account and be used for only the following purposes, as City Council shall determine from time to time:

(1) To improve public safety efforts, especially for police and fire personnel, who most often contend with dangerous situations manifested in Vacant Buildings; and

(2) To monitor and administer this Article.

~~(Ord. 2023- XXX. Passed XX-XX-XX.)~~

1759.07 SEVERABILITY.

If any provision of this Article is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not otherwise affect or invalidate the other provisions hereto, all of which are hereby declared, and shall be construed, to be separate and severable.

~~(Ord. 2023- XXX. Passed XX-XX-XX.)~~

1759.08 TRANSITION PROVISIONS.

All registry fees, fines, penalties, liens, notices, letters, communications, orders, remedies, or other enforcement actions assessed, charged, imposed, placed, filed, issued, or otherwise instituted or taken under any prior version of this Article shall remain fully effective and enforceable notwithstanding the revision of this Article and nothing herein shall be deemed to modify, negate, limit, or otherwise affect such items.

~~(Ord. 2023- XXX. Passed XX-XX-XX.)~~

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-915: Rockwool West Virginia Department of Environmental Protection Air Emission Permit Discussion

ATTACHMENTS:

- 037-00108_perm_R14-0037A.pdf
- Proposed letter to WVDEP Re Rockwool air permit Oct 2023 .docx

West Virginia Department of Environmental Protection

Harold D. Ward
Cabinet Secretary

Modification Permit

R14-0037A

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.), 45 C.S.R. 13 — Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation, and 45 C.S.R. 14 - Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration. The permittee identified at the facility listed below is authorized to construct the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

Issued to:

ROXUL USA, Inc.
RAN Facility
037-00108

Laura M. Crowder
Director, Division of Air Quality

Issued: ***DRAFT, 2023***

This permit will supercede and replace permit R14-0037 issued on April 30, 2018

Facility Location:	Ranson, Jefferson County, West Virginia
Mailing Address:	665 Northport Ave. Ranson, WV 25430
Facility Description:	Mineral Wool Manufacturing Facility
SIC/NAICS Code:	3296/327993
UTM Coordinates:	Easting: 252.06 km Northing: 4,362.62 km Zone: 18
Latitude/Longitude:	39.37754, -77.87844
Permit Type:	Modification
Desc. of Change:	Modification to make several changes to the process, including removal of coal as a fuel source, reallocation of CO emissions from IMF01 to HE01, removal of the Rockfon line, removal of cooling towers, modifications to the sizing of combustion sources, removal of product marking and a slight reduction in hours of operation of the mineral wool production facility and fleece application vents.

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.

The source is subject to 45CSR30. Changes authorized by this permit must also be incorporated into the facility's Title V operating permit. Commencement of the operations authorized by this permit shall be determined by the appropriate timing limitations associated with Title V permit revisions per 45CSR30.

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1.0 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity[1]	Control Device[2]
Raw Material Handling					
IMF11	IMF11	Conveyor Transfer Point	2021	1,137 scfm (1,800 Nm^3/hr)	IMF11-FF
B215	B215	Raw Material Loading Hopper	2021	562 ton/day	PE
IMF12	IMF12	Conveyor Transfer Point	2021	716 ton/day	FE
IMF14	IMF14	Raw Material Reject Stockpile	2021	10m^2	PE
IMF15	IMF15	Conveyor Transfer Point	2021	716 ton/day	PE
IMF16	IMF16	Conveyor Transfer Point	2021	716 ton/day	FE
IMF21	IMF21	Charging Building Vacuum Cleaning Filter	2021	316 scfm (500 Nm^3/hr)	IMF21-FF
RM_REJ	RM_REJ	Raw Material Reject Bin	2021	6 ton/day	PE
B170	B170	Melting Furnace Portable Crusher & Storage	2021	1,800 ton/day	PE
B210/211	B210/211	Raw Material Storage - Loading	2021	716 ton/day	PE
RMS	RMS	Raw Material Open Storage & Delivery	2021	5,382 ft^2 (500m^2)	PE
IMF17	IMF17	B220 Material Handling	2021	716 ton/day	FE
Mineral Wool Line					
IMF01	IMF01	Melting Furnace	2021	21,414 scfm	IMF01-BH De-NO_x De-SO_x
IMF07	IMF07	Filter Fines Day Silo	2021	790 scfm (1,250 Nm^3/hr)	IMF07A-FF
IMF08	IMF08	Sorbent Silo	2021	758 scfm (1,200 Nm^3/hr)	IMF08-FF
IMF09	IMF09	Spent Sorbent Silo	2021	758 scfm (1,200 Nm^3/hr)	IMF09-FF
IMF10	IMF10	Filter Fines Receiving Silo	2021	758 scfm (1,200 Nm^3/hr)	IMF10-FF
IMF24	IMF24	Preheat Burner	2021	5.12 mmBtu/hr (1,500 kW)	None
CO	HE01	Curing Oven	2021	18,950 scfm	(HE01) CO-AB

1.0 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity[1]	Control Device[2]
CO-HD	HE01	Curing Oven Hoods	2021	25,267 scfm (40,000 Nm^3/hr)	WESP (HE01)
GUT-EX	HE01	Gutter Exhaust	2021	15,792 scfm (25,000 Nm^3/hr)	WESP (HE01)
SPN	HE01	Spinning Chamber	2021	258,986 scfm (410,000 Nm^3/hr)	WESP (HE01)
CS	HE01	Cooling Section	2021	50,534 scfm	WESP (HE01)
CM12	CM12	Fleece Application Vent 1	2021	388,500 kg/yr	None
CM13	CM13	Fleece Application Vent 2	2021	388,500 kg/yr	None
CE01	CE01	De-dusting Baghouse	2021	44,217 scfm (70,000 Nm^3/hr)	CE01-BH
CE02	CE02	Vacuum Cleaning Baghouse	2021	12,633 scfm (20,000 Nm^3/hr)	CE02-BH
DI	DI	Dry Ice Cleaning	2021	630,000 kg/yr	None
Recycling					
CM08	CM08	Recycle Plant Building Vent 3	2021	1,579 scfm (2,500 Nm^3/hr)	CM08-FF
CM09	CM09	Recycle Plant Building Vent 4	2021	1,579 scfm (2,500 Nm^3/hr)	CM09-FF
CM10	CM10	Recycle Plant Building Vent 1	2021	18,950 scfm (30,000 Nm^3/hr)	CM10-FF
CM11	CM11	Recycle Plant Building Vent 2	2021	18,950 scfm (30,000 Nm^3/hr)	CM11-FF
Miscellaneous Emission Units					
CM03	CM03	Natural Gas Boiler 1	2021	4.9 mmBtu/hr (1,462 kW)	None
CM04	CM04	Natural Gas Boiler 2	2021	4.9 mmBtu/hr (1,462 kW)	None
EFP1	EFP1	Emergency Fire Pump Engine	2021	316 hp (236 kw)	None
Storage Tanks					
TK-DF	TK-DF	Diesel Fuel Tank	2021	1,242 gallons (4.7 m^3)	None
TK-TO3	TK-TO3	Thermal Oil Tank - IMF	2021	5,283 gallons (20 m^3)	None

1.0 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity[1]	Control Device[2]
TK-TO4	TK-TO4	Thermal Oil Expansion Tank - IMF	2021	1,928 gallons (7.3 m^3)	None
TK-RS1	TK-RS1	Resin Storage Tank	2021	13,209 gallons (50 m^3)	None
TK-RS2	TK-RS2	Resin Storage Tank	2021	13,209 gallons (50 m^3)	None
TK-RS3	TK-RS3	Resin Storage Tank	2021	13,209 gallons (50 m^3)	None
TK-RS4	TK-RS4	Resin Storage Tank	2021	13,209 gallons (50 m^3)	None
TK-RS5	TK-RS5	Resin Storage Tank	2021	13,209 gallons (50 m^3)	None
TK-RS6	TK-RS6	Resin Storage Tank	2021	13,209 gallons (50 m^3)	None
TK-CA	TK-CA	Coupling Agent Storage Tank	2021	396 gallons (1.5 m^3)	None
TK-AD	TK-AD	Additive Storage Tank	2021	396 gallons (1.5 m^3)	None
TK-BS1	TK-BS1	Binder Storage Container	2021	264 gallons (1 m^3)	None
TK-BS2	TK-BS2	Binder Storage Container	2021	264 gallons (1 m^3)	None
TK-BS3	TK-BS3	Binder Storage Container	2021	264 gallons (1 m^3)	None
TK-DOD	TK-DOD	De-dust Oil Day Tank	2021	264 gallons (1 m^3	None
TK-ADB1	TK-ADB1	Additive Buffer Tank	2021	396 gallons (1.5 m^3)	None
TK-ADB2	TK-ADB2	Additive Buffer Tank	2021	132 gallons (0.5 m^3)	None
TK-GLY	TK-GLY	Glycol Tank	2021	396 gallons (1.5 m^3)	None

(1) Where air flow rates are listed, it represents the maximum design capacity of the mechanical flow - if applicable - through the listed particulate matter control device or uncontrolled vent .

(2) AB = Afterburner; BH = Baghouse; FF = Fabric Filter; PE = Partial Enclosure; WESP = Wet Electrostatic Precipitator; FE = Full Enclosure.

2.0. General Conditions

2.1. Definitions

2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.

2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.

2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45 CSR § 30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

2.2. Acronyms

CAAA	Clean Air Act Amendments	**NSPS**	New Source Performance Standards
CBI	Confidential Business Information	**PM**	Particulate Matter
CEM	Continuous Emission Monitor	**$PM_{2.5}$**	Particulate Matter less than 2.5µm in diameter
CES	Certified Emission Statement		
C.F.R. *or* CFR	Code of Federal Regulations	**PM_{10}**	Particulate Matter less than 10µm in diameter
CO	Carbon Monoxide		
C.S.R. *or* CSR	Codes of State Rules	**Ppb**	Pounds per Batch
DAQ	Division of Air Quality	**pph**	Pounds per Hour
DEP	Department of Environmental Protection	**ppm**	Parts per Million
		Ppmv or ppmv	Parts per million by volume
dscm	Dry Standard Cubic Meter		
FOIA	Freedom of Information Act	**PSD**	Prevention of Significant Deterioration
HAP	Hazardous Air Pollutant		
HON	Hazardous Organic NESHAP	**psi**	Pounds per Square Inch
HP	Horsepower	**SIC**	Standard Industrial Classification
lbs/hr	Pounds per Hour		
LDAR	Leak Detection and Repair	**SIP**	State Implementation Plan
M	Thousand	**SO_2**	Sulfur Dioxide
MACT	Maximum Achievable Control Technology	**TAP**	Toxic Air Pollutant
		TPY	Tons per Year
MDHI	Maximum Design Heat Input	**TRS**	Total Reduced Sulfur
MM	Million	**TSP**	Total Suspended Particulate
MMBtu/hr *or* mmbtu/hr	Million British Thermal Units per Hour	**USEPA**	United States Environmental Protection Agency
MMCF/hr *or* mmcf/hr	Million Cubic Feet per Hour	**UTM**	Universal Transverse Mercator
NA	Not Applicable	**VEE**	Visual Emissions Evaluation
NAAQS	National Ambient Air Quality Standards	**VOC**	Volatile Organic Compounds
		VOL	Volatile Organic Liquids
NESHAPS	National Emissions Standards for Hazardous Air Pollutants		
NO_x	Nitrogen Oxides		

2.3. Authority

This permit is issued in accordance with West Virginia Air Pollution Control Law W.Va. Code §§22-5-1 et seq. and the following Legislative Rules promulgated thereunder:

2.3.1. 45CSR13 – *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation; and*

2.3.2. *45CSR14 – Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration.*

2.4. Term and Renewal

2.4.1. This permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any applicable legislative rule.

2.5. Duty to Comply

2.5.1. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Applications R14-0037 and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to;
[45CSR§§13-5.11 and 13-10.3]

2.5.2. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA;

2.5.3. Violations of any of the conditions contained in this permit, or incorporated herein by reference, may subject the permittee to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7;

2.5.4. Approval of this permit does not relieve the permittee herein of the responsibility to apply for and obtain all other permits, licenses and/or approvals from other agencies; i.e., local, state and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

2.6. Duty to Provide Information

The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for administratively updating, modifying, revoking or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

2.7. Duty to Supplement and Correct Information

Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.

2.8. Administrative Update

The permittee may request an administrative update to this permit as defined in and according to the procedures specified in 45CSR13.
[45CSR§13-4]

2.9. Permit Modification

The permittee may request a minor modification to this permit as defined in and according to the procedures specified in 45CSR13.
[45CSR§13-5.4.]

2.10. Major Permit Modification

The permittee may request a major modification as defined in and according to the procedures specified in 45CSR14 or 45CSR19, as appropriate.
[45CSR§13-5.1]

2.11. Inspection and Entry

The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;

d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

[WV Code § 22-5-4(a)(9)]

2.12. *[Reserved]*

2.13. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it should have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

2.14. Suspension of Activities

In the event the permittee should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the operations authorized by this permit, the permittee shall notify the Secretary, in writing, within two (2) calendar weeks of the passing of the sixtieth (60) day of the suspension period.

2.15. Property Rights

This permit does not convey any property rights of any sort or any exclusive privilege.

2.16. Severability

The provisions of this permit are severable and should any provision(s) be declared by a court of competent jurisdiction to be invalid or unenforceable, all other provisions shall remain in full force and effect.

2.17. Transferability

This permit is transferable in accordance with the requirements outlined in Section 10.1 of 45CSR13. **[45CSR§13-10.1]**

2.18. Notification Requirements

The permittee shall notify the Secretary, in writing, no later than thirty (30) calendar days after the actual startup of the operations authorized under this permit.

2.19. Credible Evidence

Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defense otherwise available to the permittee including, but not limited to, any challenge to the credible evidence rule in the context of any future proceeding.

3.0. Facility-Wide Requirements

3.1. Limitations and Standards

3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.
[45CSR§6-3.1.]

3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.
[45CSR§6-3.2.]

3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.
[40CFR§61.145(b) and 45CSR§34]

3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.
[45CSR§4-3.1 State-Enforceable only.]

3.1.5. **Permanent shutdown.** A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or reapplication or application for new permits may be required for any source determined to be permanently shutdown.
[45CSR§13-10.5.]

3.1.6. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45 C.S.R. 11.
[45CSR§11-5.2.]

3.2. Monitoring Requirements

3.2.1. **Emission Limit Averaging Time.** Unless otherwise specified, compliance with all annual limits shall be based on a rolling twelve month total. A rolling twelve month total shall be the sum of the measured parameter of the previous twelve calendar months. Unless otherwise specified, compliance with all hourly emission limits shall be based on the applicable NAAQS averaging times or, where applicable, as given in any approved performance test method. However, nothing under 3.2.1. requires that continuous performance testing take place for the entire averaging period time frame (e.g., performance testing to show compliance with a PM_{10} emission limit is not necessarily required for 24 consecutive hours). The required length of time of a performance test will be determined by th appropriate test method and compliance procedures as approved under a protocol submitted pursuant to 3.3.1(c).

3.3. Testing Requirements

3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.

b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or -5.4 as applicable.

c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.

d. The permittee shall submit a report of the results of the stack test within sixty (60) days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1.; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:

1. The permit or rule evaluated, with the citation number and language;
2. The result of the test for each permit or rule condition; and,
3. A statement of compliance or noncompliance with each permit or rule condition.

[WV Code § 22-5-4(a)(14-15) and 45CSR13]

3.4. Recordkeeping Requirements

3.4.1. **Retention of records.** The permittee shall maintain records of all information (including monitoring data, support information, reports and notifications) required by this permit recorded in a form suitable and readily available for expeditious inspection and review. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be maintained on site. The remaining three (3) years of data may be maintained off site, but must remain accessible within a reasonable time. Where appropriate, the permittee may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.

3.4.2. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.
[45CSR§4. *State-Enforceable only.*]

3.5. Reporting Requirements

3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

3.5.2. **Confidential information.** A permittee may request confidential treatment for the submission of reporting required by this permit pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.

3.5.3. **Correspondence.** All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class or by private carrier with postage prepaid to the address(es), or submitted in electronic format by email as set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

Table 3.5.3.: Correspondence Addresses

If to the DAQ:	**If to the US EPA:**
Director WVDEP Division of Air Quality 601 57th Street, SE Charleston, WV 25304-2345 **DAQ Compliance and Enforcement[1]:** **DEPAirQualityReports@wv.gov**	Section Chief, USEPA Region III Enforcement and Compliance Assistance Division Air Section (3ED21) Four Penn Center 1600 John F. Kennedy Blvd. Philadelphia, PA 19103-2852

[1] For all self-monitoring reports (MACT, GACT, NSPS, etc.), stack tests and protocols, notice of Compliance Status Reports, Initial Notifications, etc.

3.5.4. **Operating Fee.**

3.5.4.1. In accordance with 45CSR30 – Operating Permit Program, the permittee shall submit a Certified Emissions Statement (CES) and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.

3.5.5. **Emission inventory.** At such time(s) as the Secretary may designate, the permittee herein shall prepare and submit an emission inventory for the previous year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the Division of Air Quality. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a frequency other than on an annual basis.

4.0. Source-Specific Requirements

4.1. Limitations and Standards

4.1.1. Only those emission units/sources as identified in Table 1.0, with the exception of any *de minimis* sources as identified under Table 45-13B of 45CSR13, are authorized at the permitted facility by this permit. In accordance with the information filed in Permit Applications R14-0037 and R14-0037A, the emission units/sources identified under Table 1.0 of this permit shall be installed, maintained, and operated so as to minimize any fugitive escape of pollutants, shall not exceed the listed maximum design capacities, shall use the specified control devices, and comply with any other information provided under Table 1.0.

4.1.2. **Material Handling Operations**

The handling of raw materials used in the production of mineral wool (including but not limited to igneous rocks, slags, dolomite/limestone, and mineral additives), recycling operations, and all other operations involved in the handling or processing of friable materials with a potential of producing particulate matter emissions, shall be in accordance with the following requirements:

a. The permittee shall not exceed the specified maximum design capacities of the following operations:

Table 4.1.2(a): Maximum Design Capacities

Parameter	Limit	Units
Raw Materials(1)	716(2) (650)	Ton/Day (Tonne/Day)
Portable Melt Crushing	<150 (<136)	TPH (Tonne/Hour)

(1) Rock, Slag, and Minerals
(2) As based on the Charging Building (B220) Conveyer Belt.

b. The permittee shall not exceed the specified maximum annual throughputs or hours of operation of the following operations:

Table 4.1.2(b): Maximum Annual Throughputs

Parameter	Limit	Units
Portable Melt Crushing	540	Hours of Operation

c. The permittee shall not exceed the maximum emission limits for the specified emission points given in the following tables:

(1) **British Units**

Table 4.1.2(c)(1): Material Handling Operations Stack Emission Limits in British Units

Emission Point ID	Source Description	Filter Outlet (gr/dscf)[1]	Pollutant[2]	PPH[3]	TPY
IMF07	Filter Fines Day Silo	0.001	$PM_{2.5}$	0.01	0.01
		0.002	PM/PM_{10}	0.01	0.01
IMF08	Sorbent Silo	0.001	$PM_{2.5}$	0.01	0.03
		0.002	PM/PM_{10}	0.01	0.06
IMF09	Spent Sorbent Silo	0.001	$PM_{2.5}$	0.01	0.03
		0.002	PM/PM_{10}	0.01	0.06
IMF10	Filter Fines Receiving Silo	0.001	$PM_{2.5}$	0.01	0.03
		0.002	PM/PM_{10}	0.01	0.06
IMF11	Conveyer TP (B215 to B220)	0.001	$PM_{2.5}$	0.01	0.01
		0.002	PM/PM_{10}	0.01	0.02
IMF12	Conveyer TP (B210 to B220)	0.001	$PM_{2.5}/PM_{10}$	0.01	0.02
		0.002	PM	0.02	0.06
IMF14	Raw Material Reject Stockpile	0.001	$PM_{2.5}$	0.01	0.01
		0.002	PM/PM_{10}	0.01	0.01
IMF15	Conveyer TP (B220 No. 2)	0.001	$PM_{2.5}/PM_{10}$	0.01	0.03
		0.002	PM	0.02	0.08
IMF16	Conveyer TP (B220 to B300)	0.001	$PM_{2.5}/PM_{10}$	0.01	0.02
		0.002	PM	0.02	0.06
IMF17	B220 Material Handling	n/a[5]	$PM_{2.5}$	0.13	0.56
			PM_{10}	0.14	0.61
			PM	0.34	1.49
IMF21	Charging Building Vacuum Cleaning	0.001	$PM_{2.5}$	0.00	0.01
		0.002	PM/PM_{10}	0.01	0.01
CE01	De-Dusting Baghouse	0.0020	$PM_{10}/PM_{2.5}$	0.21	0.94
		0.0041	PM	0.21	0.94
		n/a	Mineral Fiber	0.21	0.94
CE02	Vacuum Cleaning Baghouse	0.0020	$PM_{10}/PM_{2.5}$	0.22	0.93
		0.0041	PM	0.44	1.85
		n/a	Mineral Fiber	0.22	0.93

CM08	Recycle Building Vent 3	0.002	$PM_{2.5}$	0.03	0.12
		0.004	PM/PM_{10}	0.06	0.24
CM09	Recycle Building Vent 4	0.002	$PM_{2.5}$	0.03	0.12
		0.004	PM/PM_{10}	0.06	0.24
CM10	Recycle Building Vent 1	0.002	$PM_{2.5}$	0.33	1.45
		0.004	PM/PM_{10}	0.66	2.90
CM11	Recycle Building Vent 2	0.002	$PM_{2.5}$	0.33	1.45
		0.004	PM/PM_{10}	0.66	2.90

(1) gr/dscf = grains/dry standard cubic feet.
(2) Particulate Matter limits are filterable only. With the exception of CE01 and CE02, PM/PM_{10} limits are the same.
(3) Hourly emission limits are based on a 24-hour average.

(5) This is an uncontrolled building opening.

(2) **Metric Units**

Table 4.1.2(c)(2): Material Handling Operations Stack Emission Limits in Metric Units

Emission Point ID	Source Description	Filter Outlet (mg/Nm^3)(1)	Pollutant(2)	kg/hr(3)	tonne/yr
IMF07	Filter Fines Day Silo	2.5	$PM_{2.5}$	0.01	0.01
		5	PM/PM_{10}	0.01	0.01
IMF08	Sorbent Silo	2.5	$PM_{2.5}$	0.01	0.03
		5	PM/PM_{10}	0.01	0.05
IMF09	Spent Sorbent Silo	2.5	$PM_{2.5}$	0.01	0.03
		5	PM/PM_{10}	0.01	0.05
IMF10	Filter Fines Receiving Silo	2.5	$PM_{2.5}$	0.01	0.03
		5	PM/PM_{10}	0.01	0.05
IMF11	Conveyer TP (B215 to B220)	2.5	$PM_{2.5}$	0.01	0.01
		5	PM/PM_{10}	0.01	0.05
IMF12	Conveyer TP (B210 to B220)	2.5	$PM_{2.5}/PM_{10}$	0.01	0.02
		5	PM	0.01	0.06
IMF14	Raw Material Reject Stockpile	2.5	$PM_{2.5}$	0.01	0.01
		5	PM/PM_{10}	0.01	0.01
IMF15	Conveyer TP (B220 No. 2)	2.5	$PM_{2.5}/PM_{10}$	0.01	0.03

		5	PM	0.01	0.07
IMF16	Conveyer TP (B220 to B300)	2.5	$PM_{2.5}/PM_{10}$	0.01	0.02
		5	PM	0.01	0.06
IMF17	B220 Material Handling	n/a(5)	$PM_{2.5}$	0.12	0.51
			PM_{10}	0.13	0.55
			PM	0.31	1.35
IMF21	Charging Building Vacuum Cleaning	2.5	$PM_{2.5}$	0.01	0.01
		5	PM/PM_{10}	0.01	0.02
CE01	De-Dusting Baghouse	5	$PM_{10}/PM_{2.5}$	0.10	0.85
		10	PM	0.10	0.85
		n/a	Mineral Fiber	0.10	0.85
CE02	Vacuum Cleaning Baghouse	5	$PM_{10}/PM_{2.5}$	0.10	0.84
		10	PM	0.20	1.68
		n/a	Mineral Fiber	0.10	0.84
CM08	Recycle Building Vent 3	5	$PM_{2.5}$	0.01	0.11
		10	PM/PM_{10}	0.03	0.22
CM09	Recycle Building Vent 4	5	$PM_{2.5}$	0.01	0.11
		10	PM/PM_{10}	0.03	0.22
CM10	Recycle Building Vent 1	5	$PM_{2.5}$	0.15	1.31
		10	PM/PM_{10}	0.30	2.63
CM11	Recycle Building Vent 2	5	$PM_{2.5}$	0.15	1.31
		10	PM/PM_{10}	0.30	2.63

(1) mg/Nm^3 = milligrams/cubic meter.
(2) Particulate Matter limits are filterable only. With the exception of CE01 and CE02, PM/PM_{10} limits are the same.
(3) Hourly emission limits are based on a 24-hour average.
(5) This is an uncontrolled building opening.

d. The permittee shall not exceed the maximum emission limits and shall utilize the control methods for the specified fugitive emission sources given in the following tables:

(1) **British Units**

Table 4.1.2(d)(1): Material Handling Operations Fugitive Emission Limits in British Units

Emission Unit ID	Source Description	Control Technology	Pollutant[(1)]	PPH[(2)]	TPY
B215	Drop into Raw Material Loading Hopper	3-sided enclosure w/cover	$PM_{2.5}$	0.01	0.01
			PM_{10}	0.01	0.03
			PM	0.01	0.06
RMS	Raw Material Outdoor Storage	3-sided enclosure	$PM_{2.5}$	0.01	0.01
			PM_{10}	0.01	0.05
			PM	0.03	0.11
RM_REJ	Drop into Raw Material Reject Collection Bin	4-sided rubber drop guard	$PM_{2.5}$	0.01	0.01
			PM_{10}	0.01	0.01
			PM	0.01	0.01
B170	Portable Crusher	3-sided enclosure	$PM_{2.5}$	0.01	0.01
			PM_{10}	0.01	0.02
			PM	0.01	0.04
B210/211	RMS Loading	3-sided enclosure w/cover	$PM_{2.5}$	0.07	0.02
			PM_{10}	0.48	0.13
			PM	1.04	0.28

(1) Particulate Matter limits are filterable only.
(2) Hourly emission limits are based on a 24-hour average

(2) **Metric Units**

Table 4.1.2(d)(2): Material Handling Operations Fugitive Emission Limits in Metric Units

Emission Unit ID	Source Description	Control Technology	Pollutant[1]	kg/hr[2]	tonne/yr
B215	Drop into Raw Material Loading Hopper	3-sided enclosure w/cover	$PM_{2.5}$	0.01	0.09
			PM_{10}	0.01	0.09
			PM	0.01	0.09
RMS	Raw Material Outdoor Storage	3-sided enclosure	$PM_{2.5}$	0.01	0.09
			PM_{10}	0.01	0.09
			PM	0.02	0.18
RM_REJ	Drop into Raw Material Reject Collection Bin	4-sided rubber drop guard	$PM_{2.5}$	0.01	0.09
			PM_{10}	0.01	0.09
			PM	0.01	0.09
B170	Portable Crusher (Drop to pit waste)	3-sided enclosure	$PM_{2.5}$	0.01	0.09
			PM_{10}	0.01	0.09
			PM	0.01	0.09
B210/B211	RMS Loading	3-sided enclosure w/cover	$PM_{2.5}$	0.01	0.09
			PM_{10}	0.03	0.26
			PM	0.06	0.53

(1) Particulate Matter limits are filterable only.
(2) Hourly emission limits are based on a 24-hour average

e. **Melting Furnace Portable Crusher**
Emissions from the Melting Furnace Portable Crusher (not including associated storage pile or pit waste drop) shall not exceed the limits given in the following table:

Table 4.1.2(e): Melting Furnace Portable Crusher Emission Limits

Pollutant[(1)]	PPH[(2)] (kg/hr)	TPY (tonne/yr)
$PM_{2.5}$	0.12 (0.05)	0.03 (0.03)
PM_{10}	0.36 (0.16)	0.10 (0.09
PM	0.81 (0.37)	0.22 (0.20)

(1) Particulate Matter limits are filterable only.
(2) *[Reserved]*

f. In addition to the particulate matter controls as required in the Emission Units Table 1.0, the raw material mixer and crusher located in the Charging Building (B220) shall be equipped with fabric filters to control particulate matter emissions from these sources. The maximum outlet grain loading concentration for each of these fabric filters shall not exceed 0.002 gr/dscf (5 mg/Nm^3)) of filterable PM/PM_{10} and 0.001 gr/dscf (2.5 mg/Nm^3) filterable $PM_{2.5}$;

g. **Outdoor Material Storage Areas**
All outdoor raw material, pit waste, or recycled material storage shall be in accordance with the following:

(1) The permittee is authorized to operate one (1) raw material stockpile (RMS) that shall not exceed a base of 5,382 ft^2 (500 m^2) and shall utilize 3-sided enclosures to minimize the potential fugitive emissions of particulate matter from wind erosion and pile activity;

(2) The permittee is authorized to operate Building 210 and 211 for raw material storage. These buildings shall utilize 3-sided enclosures and a roof to minimize the potential fugitive emissions of particulate matter from wind erosion and pile activity;

(3) *[Reserved]*

(4) The permittee is authorized to operate one (1) recycled material stockpile. The material in this storage area is limited to the slag-like material tapped from the Melting Furnace that is of such a physical nature so as to limit any significant generation of fugitive matter from wind erosion and pile activity;

(5) The permittee is authorized to operate one (1) pit waste (crushed recycled material) storage area (B170) that shall not exceed a base of 19,375 ft^2 (1,800 m^2) and shall utilize a 3-sided enclosure to minimize the potential fugitive emissions of particulate matter from wind erosion and pile activity;

(6) For all storage piles, the permittee shall manage on-pile activity so as to minimize the release of emissions; and

(7) All storage area enclosures shall be reasonably maintained and any significant holes shall be repaired immediately.

h. **Haulroads and Mobile Work Areas**
Fugitive particulate emissions resulting from use of haulroads and mobile work areas shall be minimized by the following:

(1) The permittee shall pave, and maintain such pavement, on all haulroads and mobile work areas (including a reasonable shoulder area) within the plant boundary;

(2) The permittee shall maintain access to a vacuum sweeper truck in good operating condition, and shall utilize same as needed to remove excess dirt and dust from all haulroads and mobile work areas. The haulroads and mobile work areas shall be flushed with water immediately prior to each vacuum sweeping (flushing may be part of vacuum sweeper truck); and

(3) The permittee shall collect, in a timely fashion, material spilled on haulroads that could become airborne if it dried or were subject to vehicle traffic.

i. **45CSR7**
The handling of raw materials used in the production of mineral wool shall comply with all applicable requirements of 45CSR7 including, but not limited to, the following:

(1) No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any process source operation which is greater than twenty (20) percent opacity, except as noted in subsections 3.2, 3.3, 3.4, 3.5, 3.6, and 3.7.
[45CSR§7-3.1]

(2) The provisions of subsection 3.1 shall not apply to smoke and/or particulate matter emitted from any process source operation which is less than forty (40) percent opacity for any period or periods aggregating no more than five (5) minutes in any sixty (60) minute period.
[45CSR§7-3.2]

(3) No person shall cause, suffer, allow or permit particulate matter to be vented into the open air from any type source operation or duplicate source operation, or from all air pollution control equipment installed on any type source operation or duplicate source operation in excess of the quantity specified under the appropriate source operation type in Table 45-7A found at the end of this rule.
[45CSR§7-4.1]

(4) No person shall cause, suffer, allow or permit any manufacturing process or storage structure generating fugitive particulate matter to operate that is not equipped with a system, which may include, but not be limited to, process equipment design, control equipment design or operation and maintenance procedures, to minimize the emissions of fugitive particulate matter. To minimize means such system shall be installed, maintained and operated to ensure the lowest fugitive particulate matter emissions reasonably achievable.
[45CSR§7-5.1]

j. **40 CFR 60, Subpart OOO**

The non-metallic mineral handling operations (see Permit Applications R14-0037 and R14-0037Afor a complete list of affected sources) prior to the furnace building (B300) are subject to the applicable limitations and standards under 40 CFR 60, Subpart OOO including, but not limited to, the following:

(1) Affected facilities must meet the stack emission limits and compliance requirements in Table 2 of Subpart OOO within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.8. The requirements in Table 2 of Subpart OOO apply for affected facilities with capture systems used to capture and transport particulate matter to a control device.
[40 CFR §60.672(a)]

(2) Affected facilities must meet the fugitive emission limits and compliance requirements in Table 3 of Subpart OOO within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11. The requirements in Table 3 of Subpart OOO apply for fugitive emissions from affected facilities without capture systems and for fugitive emissions escaping capture systems.
[40 CFR §60.672(b)]

(3) Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher is exempt from the requirements of this section.
[40 CFR §60.672(d)]

(4) If any transfer point on a conveyor belt or any other affected facility is enclosed in a building, then each enclosed affected facility must comply with the emission limits in 40 CFR §60.672(a) and (b), or the building enclosing the affected facility or facilities must comply with the following emission limits:

(1) Fugitive emissions from the building openings (except for vents as defined in §60.671) must not exceed 7 percent opacity; and

(2) Vents (as defined in §60.671) in the building must meet the applicable stack emission limits and compliance requirements in Table 2 of Subpart OOO.
[40 CFR §60.672(e)]

(5) Any baghouse that controls emissions from only an individual, enclosed storage bin is exempt from the applicable stack PM concentration limit (and associated performance testing) in Table 2 of Subpart OOO but must meet the applicable stack opacity limit and compliance requirements in Table 2 of Subpart OOO. This exemption from the stack PM concentration limit does not apply for multiple storage bins with combined stack emissions.
[40 CFR §60.672(f)]

4.1.3. *[Reserved]*

4.1.4. Melting Furnace

The Melting Furnace, identified as IMF01, shall meet the following requirements:

a. The Melting Furnace shall not exceed the emission limits, and shall utilize the specified Technology, as given in the following table:

Table 4.1.4(a): Melting Furnace Emission Limits

Pollutant	Limit	Technology	PPH (kg/hr)	TPY (tonne/ yr)
CO	n/a	n/a	3.21(1) (1.46)	13.48 (12.23)
NO_x	PPH	Integrated SNCR, Oxy-Fired Burners(2)	37.37(1) (16.95)	156.95 (142.38)
$PM_{2.5(3)}$		Baghouse	2.32 (1.05)	9.73 (8.83)
$PM_{10(3)}$			2.32 (1.05)	9.73 (8.83)
PM(4)	0.013 gr/dscf 31 mg/Nm^3		2.32 (1.05)	9.73 (8.83)
SO_2	PPH	Sorbent Injection in the Baghouse	33.63(1) (15.26)	141.25 (128.14)
VOCs		Good Combustion Practices(5)	0.31 (0.14)	1.29 (1.17)
H_2SO_4		Sorbent Injection in the Baghouse	1.87 (0.85)	7.85 (7.12)
Mineral Fiber	n/a	n/a	2.32 (1.05)	9.73 (8.83)
HF			0.37 (0.17)	1.55 (1.41)
HCl			0.29 (0.13)	1.24 (1.12)
COS			0.37 (0.17)	1.57 (1.42)
Total HAPs			3.43 (1.56)	14.42 (13.08)

(1) Compliance based on a 30-day rolling average.
(2) Integrated SNCR system utilizes ammonia injection to promote a de-NOx reaction to occur. The oxy-fuel burners are specially designed to fire with O_2 instead of ambient air.
(3) Includes condensables.
(4) Filterable only.
(5) Good combustion practices include, but are not limited to the following: (1) maintaining a proper

oxidizing atmosphere to control VOC emissions through proper combustion tuning, temperature, and air/fuel mixing and (2) activities such as maintaining operating logs and record-keeping, conducting training, ensuring maintenance knowledge, performing routine and preventive maintenance, conducting burner and control adjustments, monitoring fuel quality, etc.

b. **45CSR7**
The Melting Furnace shall comply with all applicable requirements of 45CSR7 including, but not limited to, the following:

(1) No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any process source operation which is greater than twenty (20) percent opacity, except as noted in subsections 3.2, 3.3, 3.4, 3.5, 3.6, and 3.7.
[45CSR§7-3.1]

(2) The provisions of subsection 3.1 shall not apply to smoke and/or particulate matter emitted from any process source operation which is less than forty (40) percent opacity for any period or periods aggregating no more than five (5) minutes in any sixty (60) minute period.
[45CSR§7-3.2]

(3) No person shall cause, suffer, allow or permit particulate matter to be vented into the open air from any type source operation or duplicate source operation, or from all air pollution control equipment installed on any type source operation or duplicate source operation in excess of the quantity specified under the appropriate source operation type in Table 45-7A found at the end of this rule.
[45CSR§7-4.1]

(4) Mineral acids shall not be released from any type source operation or duplicate source operation or from all air pollution control equipment installed on any type source operation or duplicate source operation in excess of the quantity given in Table 45-7B found at the end of this rule.
[45CSR§7-4.2]

c. **45CSR10**
The Melting Furnace shall comply with all applicable requirements of 45CSR10 including, but not limited to, the following:

(1) No person shall cause, suffer, allow or permit the emission into the open air from any source operation an in-stack sulfur dioxide concentration exceeding 2,000 parts per million by volume from existing source operations, except as provided in subdivisions 4.1.a through 4.1.e.
[45CSR§10-3.1]

d. **40 CFR 63, Subpart DDD**
The Melting Furnace shall comply with all applicable requirements of 40 CFR 63, Subpart DDD including, but not limited to, the following:

(1) **§63.1178 For cupolas, what standards must I meet?**

(i) You must control emissions from each cupola as specified in Table 2 to this subpart.
[40 CFR§63.1178(a)]

Table 2 to Subpart DDD of Part 63—Emissions Limits and Compliance Dates

If your source is a:	And you commenced construction:	Your emission limits are:[1]	And you must comply by:[2]
2. Cupola	After May 8, 1997	0.10 lb PM per ton of melt	June 1, 1999
8. Open-top cupola	After November 25, 2011	3.2 lb of COS per ton melt	July 29, 2015[4]
10. Cupola using slag as a raw material	After November 25, 2011	0.015 lb of HF per ton melt 0.012 lb of HCl per ton melt.	July 29, 2015[4]

(1) The numeric emissions limits do not apply during startup and shutdown.
(2) Existing sources must demonstrate compliance by the compliance dates specified in this table. New sources have 180 days after the applicable compliance date to demonstrate compliance.
(4) Or upon initial startup, whichever is later.

(ii) You must meet the following operating limits for each cupola:
[40 CFR§63.1178(b)]

(A) Begin within one hour after the alarm on a bag leak detection system sounds, and complete in a timely manner, corrective actions as specified in your operations, maintenance, and monitoring plan required by §63.1187 of this subpart.
[40 CFR§63.1178(b)(1)]

(B) When the alarm on a bag leak detection system sounds for more than five percent of the total operating time in a six-month reporting period, develop and implement a written quality improvement plan (QIP) consistent with the compliance assurance monitoring requirements of §64.8(b)-(d) of 40 CFR part 64.
[40 CFR§63.1178(b)(2)]

(C) Additionally, on or after the applicable compliance date for each new or reconstructed cupola, you must either:
[40 CFR§63.1178(b)(3)]

(I) Maintain the operating temperature of the incinerator so that the average operating temperature for each three-hour block period never falls below the average temperature established during the performance test, or
[40 CFR§63.1178(b)(3)(I)]

(II) Maintain the percent excess oxygen in the cupola at or above the level established during the performance test. You must determine the percent excess oxygen using the following equation:
[40 CFR§63.1178(b)(3)(II)]

Percent excess oxygen = ((Oxygen available/Fuel demand for oxygen) - 1) * 100

Where:

Percent excess oxygen = Percentage of excess oxygen present above the stoichiometric balance of 1.00, (%).

1.00 = Ratio of oxygen in a cupola combustion chamber divided by the stoichiometric quantity of oxygen required to obtain complete combustion of fuel.

Oxygen available = Quantity of oxygen introduced into the cupola combustion zone.
Fuel demand for oxygen = Required quantity of oxygen for stoichiometric combustion of the quantity of fuel present.

4.1.5. Gutter Exhaust, Spinning Chamber, Curing Oven Hoods, Curing Oven, and Cooling Section

The Gutter Exhaust (GUT-EX), Spinning Chamber (SPN), Curing Oven Hoods (CO-HD), Curing Oven (CO), and Cooling Section (CS) shall meet the following requirements:

a. The Gutter Exhaust, Spinning Chamber, Curing Oven Hoods, Curing Oven, and Cooling Section shall not exceed the aggregate emission limits (as emitted from the Wet Electrostatic Precipitator (WESP) stack (HE01)), and each shall utilize the specified Technology as given in the following table:

Table 4.1.5(a): Gutter Exhaust, Spinning Chamber, Curing Oven Hoods, Curing Oven, and Cooling Section Emission Limits

Pollutant	Limit	Technology	PPH (kg/hr)	TPY (tonne/yr)
CO	n/a	n/a	9.82 (4.46)	41.24 (37.41)
NO_x	PPH	LNB, Good Combustion Practices(1)	1.57 (0.71)	6.60 (5.99)
$PM_{2.5(2)}$		WESP	8.00 (3.64)	33.60 (30.48)
$PM_{10(2)}$			8.00 (3.64)	33.60 (30.48)
PM(3)			8.00 (3.64)	33.60 (30.48)
SO_2		Use of Natural Gas	0.01 (4.89e-03)	0.05 (0.04)
VOCs		Afterburner Good Combustion Practices Subpart DDD Compliance(4)	44.66 (20.30)	187.55 (170.14)
Phenol	n/a	Afterburner(5)	17.05 (7.73)	71.61 (64.96)
Formaldehyde			3.27 (1.48)	13.74 (12.46)
Methanol			24.34 (11.04)	102.21 (92.72)
Mineral Fiber			12.00 (5.44)	50.39 (45.72)
Total HAPs			56.65 (25.70)	237.95 (215.86)

(1) Good combustion practices include, but are not limited to the following: Proper combustion tuning, temperature, and air/fuel mixing and activities such as maintaining operating logs and record-keeping, conducting training, ensuring maintenance knowledge, performing routine and preventive maintenance, conducting burner and control adjustments, monitoring fuel quality, etc.
(2) Includes condensables.
(3) Filterable only.
(4) Technology: Gutter Exhaust - Subpart DDD Compliance, Curing Oven - Afterburner/Good Combustion Practices, Spinning Chamber - Subpart DDD Compliance, Curing Oven Hoods - Subpart DDD Compliance.
(5) Afterburner is not a control device for Mineral Fibers

b. **45CSR7**

The Gutter Exhaust, Curing Oven Hoods, Curing Oven, and Spinning Chamber shall comply with all applicable requirements of 45CSR7 including, but not limited to, the following:

(1) No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any process source operation which is greater than twenty (20) percent opacity, except as noted in subsections 3.2, 3.3, 3.4, 3.5, 3.6, and 3.7.
[45CSR§7-3.1]

(2) The provisions of subsection 3.1 shall not apply to smoke and/or particulate matter emitted from any process source operation which is less than forty (40) percent opacity for any period or periods aggregating no more than five (5) minutes in any sixty (60) minute period.
[45CSR§7-3.2]

(3) No person shall cause, suffer, allow or permit particulate matter to be vented into the open air from any type source operation or duplicate source operation, or from all air pollution control equipment installed on any type source operation or duplicate source operation in excess of the quantity specified under the appropriate source operation type in Table 45-7A found at the end of this rule.
[45CSR§7-4.1]

(4) Mineral acids shall not be released from any type source operation or duplicate source operation or from all air pollution control equipment installed on any type source operation or duplicate source operation in excess of the quantity given in Table 45-7B found at the end of this rule.
[45CSR§7-4.2]

c. **40 CFR 63, Subpart DDD**

The Gutter Exhaust, Curing Oven Hoods, Curing Oven, and Spinning Chamber shall comply with all applicable requirements of 40 CFR 63, Subpart DDD including, but not limited to, the following:

(1) **§63.1179 For curing ovens or combined collection/curing operations, what standards must I meet?**

(i) You must control emissions from each curing oven or combined collection/curing operations as specified in Table 2 to this subpart.
[43 CFR§60.1179(a)]

Table 2 to Subpart DDD of Part 63—Emissions Limits and Compliance Dates

If your source is a:	And you commenced construction:	Your emission limits are:[1]	And you must comply by:[2]
24. Combined vertical collection/curing operation	After November 25, 2011	2.4 lb of formaldehyde per ton melt 0.92 lb of methanol per ton melt. 0.71 lb of phenol per ton melt.	July 29, 2015[4]

(1) The numeric emissions limits do not apply during startup and shutdown.
(2) Existing sources must demonstrate compliance by the compliance dates specified in this table. New sources have 180 days after the applicable compliance date to demonstrate compliance.
(4) Or upon initial startup, whichever is later.

4.1.6. Fleece Application

The Fleece Application operations shall meet the following requirements:

a. The maximum emissions of VOCs and HAPs from the Fleece Application operations each shall not exceed of 3.26 pounds per hour (1.48 kg/hr) and 6.85 TPY (6.22 tonnes/year);

b. The control technology for the Fleece Application operations is the use of low-VOC coatings and the utilization of Good Work Practices. "Low-VOC coatings" shall mean the monthly average of all coating materials used during fleece application operations shall not exceed 0.016 lb-VOC/lb-coating (0.016 kg-VOC/kg-coating) material as-applied on a monthly average basis. "Good Work Practices" shall mean storing VOC-containing materials in closed tanks or containers, cleaning up spills, and minimizing cleaning with VOC-containing cleaners; and

c. **40 CFR 63, Subpart JJJJ**
The fleece application operations shall comply with all applicable requirements of 40 CFR 63, Subpart JJJJ including, but not limited to, the following:

What emission standards must I meet?

(1) If you own or operate any affected source that is subject to the requirements of this subpart, you must comply with these requirements on and after the compliance dates as specified in §63.3330.
[40 CFR§63.3320(a)]

(2) You must limit organic HAP emissions to the level specified in paragraph (b)(1), (2), (3), or (4) of this section.
[40 CFR§63.3320(b)]

(i) No more than 5 percent of the organic HAP applied for each month (95 percent reduction) at existing affected sources, and no more than 2 percent of the organic HAP applied for each month (98 percent reduction) at new affected sources; or
[40 CFR§63.3320(b)(1)]

(ii) No more than 4 percent of the mass of coating materials applied for each month at existing affected sources, and no more than 1.6 percent of the mass of coating materials applied for each month at new affected sources; or
[40 CFR§63.3320(b)(2)]

(iii) No more than 20 percent of the mass of coating solids applied for each month at existing affected sources, and no more than 8 percent of the coating solids applied for each month at new affected sources.
[40 CFR§63.3320(b)(3)]

(iv) If you use an oxidizer to control organic HAP emissions, operate the oxidizer such that an outlet organic HAP concentration of no greater than 20 parts per million by volume (ppmv) by compound on a dry basis is achieved and the efficiency of the capture system is 100 percent.
[40 CFR§63.3320(b)(4)]

(3) You must demonstrate compliance with this subpart by following the procedures in §63.3370.
[40 CFR§63.3320(c)]

4.1.7. *[Reserved]*

4.1.8. **Fuel Burning Units**

The Fuel Burning Units, identified as IMF24, CM03, and CM04, shall meet the following requirements:

a. The MDHI of IMF24 shall not exceed 5.12 mmBtu/hr (1,500 kW), while the MDHI for CM03 and CM04 shall not exceed 4.9 mmbtu/hr each. Additionally, each unit shall not operate for more than 8,400 hours per year. Compliance with this condition shall be determined on a rolling 12 month basis.

b. IMF 24 shall not exceed the emission limits given in the following table:

Pollutant	Limit	Control Technology	PPH (kg/hr)	TPY (tonne/yr)
CO	n/a	n/a	0.42 (0.19)	1.76 (1.60)
NO_x	60 $ppm_v d$ @ 3% O_2	LNB, Good Combustion Practices(1)	0.36 (0.16)	1.52 (1.38)
$PM_{2.5(2)}$	PPH	Use of Natural Gas, Good Combustion Practices(1)	0.04 (0.02)	0.16 (0.14)
$PM_{10(2)}$				
PM(3)				
SO_2		Use of Natural Gas	0.01 (0.01)	0.01 (0.01)
VOCs		Good Combustion Practices(1)	0.03 (0.01)	0.12 (0.10)

Boilers CM03 and CM04 shall each not exceed the emission limits given in the following table:

Pollutant	Limit	Control Technology	PPH (kg/hr)	TPY (tonne/yr)
CO	n/a	n/a	0.42 (0.19)	1.76 (1.60)
NO_x	30 $ppm_v d$ @ 3% O_2	LNB, Good Combustion Practices(1)	0.36 (0.16)	1.52 (1.38)
$PM_{2.5(2)}$	PPH	Use of Natural Gas, Good Combustion Practices(1)	0.04 (0.02)	0.16 (0.14)
$PM_{10(2)}$				
PM(3)				
SO_2		Use of Natural Gas	0.01 (0.01)	0.01 (0.01)
VOCs		Good Combustion Practices(1)	0.03 (0.01)	0.12 (0.10)

(1) LNB = Low-NO_x Burning Technology. Good Combustion Practices shall mean activities such as maintaining operating logs and record-keeping, conducting training, ensuring maintenance knowledge, performing routine and preventive maintenance, conducting burner and control adjustments, monitoring fuel quality, etc.
(2) Includes Condensables.
(3) Filterable Only.

c. Annual emissions of the units listed under Table 4.1.8(b) are based on 8,400 hours of operation, and;

d. **45CSR2**
No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any fuel burning unit which is greater than ten (10) percent opacity based on a six minute block average.
[40CSR§2-3.1]

4.1.9. **Storage Tanks**
Use of the volatile organic liquid (VOL) storage tanks shall be in accordance with the following:

a. Tank size shall be limited as specified under Table 1.0 of this permit;

b. The aggregate emissions of VOCs from all storage shall not exceed 0.12 tons/year (0.11 tonnes/yr); and

c. Material stored shall be as specified and the aggregate annual storage tank throughputs shall not exceed those given in the following table:

Table 4.1.9(c): Storage Tanks Throughput Limits

Tank ID	Material Stored	Gallons
TK-DF	Diesel	1,242
TK-TO3	Thermal Oil	5,283
TK-TO4	Thermal Oil	1,928
TK-RS1 through TK-RS6	Resin	79,254(1)
TK-CA	Coupling Agent Solution	396
TK-AD	Binder Additive	396
TK-BS1 through TK-BS3	Binder Storage	792(1)
TK-DOD	De-Dust Oil	264
TK-ADB1	Additive Buffer	396
TK-ADB2	Additive Buffer	132
TK-GLY	Glycol	396

(1) This number represents the aggregate limit for all specified storage tanks.

d. The permittee shall utilize good operating practices in the operation of the storage tanks. Good operating practices shall mean maintaining and operating the storage tanks according to manufacturers recommendations and regularly inspecting the tanks for areas of disrepair or failure that would allow the escape of VOC-containing vapors.

4.1.10. Emergency Fire Pump Engine

The Emergency Fire Pump Engine, identified as EFP1, shall meet the following requirements:

a. The unit shall not exceed 316 horsepower (236 kW), shall be fired only with Ultra-Low Sulfur Diesel (with a maximum sulfur content not to exceed 0.0015%), and shall not operate in excess of 100 hours per year nor 0.5 hours in any 24-hour period during times not defined as emergencies;

b. The maximum emissions from the Emergency Fire Pump Engine shall not exceed the limits given in the following table:

Table 4.1.10(b): Emergency Fire Pump Engine Emission Limits

Pollutant	Limit	Control Technology	PPH (kg/hr)	TPY (tonne/yr)
CO	n/a	n/a	0.42 (0.19)	0.10 (0.09)
NO_x	4.0 g/kw-hr	Subpart IIII Certification, Annual Hrs of Op Limit	1.78 (0.81)	0.45 (0.41)
$PM_{2.5(1)}$	PPH		0.07 (0.03)	0.02 (0.02)
$PM_{10(1)}$				
PM(2)	0.20 g/kw-hr		0.07 (0.03)	0.02 (0.01)
SO_2	PPH	ULSD Fuel Annual Hrs of Op(3) Limit	0.01 (0.01)	0.01 (0.01)
VOCs		Subpart IIII Certification, Annual Hrs of Op(3) Limit	0.06 (0.03)	0.01 (0.01)

(1) Includes Condensables.
(2) Filterable Only.
(3) Non-emergency hours of operation.

c. **40 CFR 60, Subpart IIII**
The Emergency Fire Pump Engine shall meet all applicable requirements under 40 CFR 60, Subpart IIII including the following:

(1) Owners and operators of fire pump engines with a displacement of less than 30 liters per cylinder must comply with the emission standards in table 4 to this subpart, for all pollutants. **[40 CFR §60.4205(c)]**

(2) As stated in §§60.4202(d) and 60.4205(c), you must comply with the following emission standards for stationary fire pump engines:

Table 4 to Subpart IIII of Part 60—Emission Standards for Stationary Fire Pump Engines

Maximum Engine Power	Model year(s)	NMHC + NOX	CO	PM
225≤KW<450 (300≤HP<600)	2009+	4.0(3.0)		0.20(0.15)

d. **40 CFR 63, Subpart ZZZZ**
An affected source that meets any of the criteria in paragraphs (c)(1) through (7) of this section must meet the requirements of this part by meeting the requirements of 40 CFR part 60 subpart IIII, for compression ignition engines or 40 CFR part 60 subpart JJJJ, for spark ignition engines. No further requirements apply for such engines under this part.
[40 CFR §63.6590(c)]

4.1.11. *[Reserved]*

4.1.12. **Control Devices**

a. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.
[45CSR§13-5.10]

b. **Inherent SNCR De-NO_x System**
The permittee shall design and operate the Melting Furnace so as to promote the inherent removal of NO_x from the exhaust gas stream. The permittee shall maintain a proper temperature profile for NO_x removal and inject aqueous ammonia as necessary to facilitate the SNCR process. Compliance with 4.1.12(b) shall be determined by showing compliance with the NO_x emission limits given under Table 4.1.4(a) using the CEMS as required under 4.2.6.

c. **Sorbent Injection**
The permittee shall utilize sorbent injection in conjunction with Baghouse IMF-01 so as to reduce the emissions of SO_2, H_2SO_4, HF, and HCl from the Melting Furnace. Compliance with 4.1.12(c) shall be determined by showing compliance with the SO_2 emission limits given under Table 4.1.4(a) using the CEMS as required under 4.2.6.

d. **Baghouse IMF01-BH**
Use of Baghouse IMF01-BH shall be in accordance with the following requirements:

(1) The permittee shall monitor the differential pressure drop of IMF01-BH so as to ensure proper continuous operation of the baghouse. The monitoring system shall include an alarm to notify the control room if the differential pressure drop indicates abnormal performance of the unit. The appropriate alarm set-point(s) shall be determined as given under 4.1.12(g).

(2) **40 CFR 63, Subpart DDD**
How do I comply with the particulate matter standards for existing, new, and reconstructed cupolas? To comply with the PM standards, you must meet all of the following:
[40 CFR §63.1181]

(i) Install, adjust, maintain, and continuously operate a bag leak detection system for each fabric filter.
[40 CFR §63.1181(a)]

(ii) Do a performance test as specified in §63.1188 of this subpart and show compliance with the PM emission limits while the bag leak detection system is installed, operational, and properly adjusted.
[40 CFR §63.1181(b)]

(iii) Begin corrective actions specified in your operations, maintenance, and monitoring plan required by §63.1187 of this subpart within one hour after the alarm on a bag leak detection system sounds. Complete the corrective actions in a timely manner.

[40 CFR §63.1181(c)]

(iv) Develop and implement a written QIP consistent with compliance assurance monitoring requirements of 40 CFR 64.8(b) through (d) when the alarm on a bag leak detection system sounds for more than five percent of the total operating time in a six-month reporting period.
[40 CFR §63.1181(d)]

e. **Wet Electrostatic Precipitator (WESP)**
The operation of the WESP shall be in accordance with the following requirements:

(1) The permittee shall utilize a WESP, identified as HE01, so as to reduce the particulate matter emissions from the Gutter Exhaust, Spinning Chamber, Curing Oven Hoods, the Afterburner, and the Cooling Section at all times Melting, Spinning, Curing and Cooling operations are ongoing; and

(2) The permittee shall monitor the secondary voltage and secondary amperage range of the WESP for optimum mitigation of particulate matter emissions from the sources listed under 4.1.12(e)(1). The monitoring system shall include an alarm to notify the control room if the secondary voltage or amperage indicates abnormal performance of the unit. The appropriate alarm set-point(s) shall be determined as given under 4.1.12(g).

f. **Curing Oven Afterburner**
The Curing Oven Afterburner, CO-AB, shall operate according to the following requirements:

(1) The Curing Oven Afterburner shall not exceed a burner capacity of 6.83 mmBtu/hr (2,000 kW) and shall be in operation at all times when the Curing Oven is in operation and is venting VOC-containing vapors;

(2) **45CSR6**
The Curing Oven Afterburner is subject to 45CSR6. The requirements of 45CSR6 include but are not limited to the following:

(i) The permittee shall not cause, suffer, allow or permit particulate matter to be discharged from the flares into the open air in excess of the quantity determined by use of the following formula:

Emissions (lb/hr) = F x Incinerator Capacity (tons/hr)

Where, the factor, F, is as indicated in Table I below:

Table I: Factor, F, for Determining Maximum Allowable Particulate Emissions

Incinerator Capacity	Factor F
A. Less than 15,000 lbs/hr	5.43
B. 15,000 lbs/hr or greater	2.72

[45CSR§6-4.1]

(ii) No person shall cause, suffer, allow or permit emission of smoke into the atmosphere from any incinerator which is twenty (20%) percent opacity or greater.

[45CSR6 §4.3]

(iii) The provisions of paragraph (i) shall not apply to smoke which is less than forty (40%) percent opacity, for a period or periods aggregating no more than eight (8) minutes per start-up.
[45CSR6 §4.4]

(iv) No person shall cause or allow the emission of particles of unburned or partially burned refuse or ash from any incinerator which are large enough to be individually distinguished in the open air.
[45CSR6 §4.5]

(v) Incinerators, including all associated equipment and grounds, shall be designed, operated and maintained so as to prevent the emission of objectionable odors.
[45CSR6 §4.6]

(vi) Due to unavoidable malfunction of equipment, emissions exceeding those provided for in this rule may be permitted by the Director for periods not to exceed five (5) days upon specific application to the Director. Such application shall be made within twenty-four (24) hours of the malfunction. In cases of major equipment failure, additional time periods may be granted by the Director provided a corrective program has been submitted by the owner or operator and approved by the Director.
[45CSR6 §8.2]

(3) **40 CFR 63, Subpart DDD**

(i) How do I comply with the formaldehyde, phenol, and methanol standards for existing, new, and reconstructed combined collection/curing operations? To comply with the formaldehyde, phenol, and methanol standards, you must meet all of the following:
[40 CFR §63.1183]

(A) Install, calibrate, maintain, and operate a device that continuously measures the operating temperature in the firebox of each thermal incinerator.
[40 CFR §63.1183(a)]

(B) Conduct a performance test as specified in §63.1188 while manufacturing the product that requires a binder formulation made with the resin containing the highest free-formaldehyde content specification range. Show compliance with the formaldehyde, phenol, and methanol emissions limits, specified in Table 2 to this subpart, while the device for measuring the control device operating parameter is installed, operational, and properly calibrated. Establish the average operating parameter based on the performance test as specified in §63.1185(a).
[40 CFR §63.1183(b)]

(C) During the performance test that uses the binder formulation made with the resin containing the highest free-formaldehyde content specification range, record the free-formaldehyde content specification range of the resin used, and the formulation of the binder used, including the formaldehyde content and binder specification.
[40 CFR §63.1183(c)]

(D) Following the performance test, monitor and record the free-formaldehyde content of each resin lot and the formulation of each batch of binder used, including the

formaldehyde, phenol, and methanol content.
[40 CFR §63.1183(d)]

(E) Maintain the free-formaldehyde content of each resin lot and the formaldehyde content of each binder formulation at or below the specification ranges established during the performance test.
[40 CFR §63.1183(e)]

(F) Following the performance test, measure and record the average operating temperature of the incinerator as specified in §63.1185(b) of this subpart.
[40 CFR §63.1183(f)]

(G) Maintain the operating temperature of the incinerator so that the average operating temperature for each three-hour block period never falls below the average temperature established during the performance test.
[40 CFR §63.1183(g)]

(H) Operate and maintain the incinerator as specified in your operations, maintenance, and monitoring plan required by §63.1187 of this subpart.
[40 CFR §63.1183(h)]

g. Where statutory requirements (MACT, NSPS) do not specify such points, the determination of appropriate alarm set-points under this section shall be based on data obtained from performance testing, manufacturing recommendations, or operational experience. The permittee shall maintain on-site, and update as necessary, a certified report listing the set-points and the basis for their selection. Any changes to the set-points shall be accompanied by the date of the change and reason for the change. The permittee shall, to the extent reasonably possible, operate the control devices within the operating ranges at all times the associated emission units are in operation and venting emissions. If an alarm occurs, the permittee shall attempt to immediately correct the problem and follow the record-keeping procedures under 4.4.3.

4.1.13. **Stack Parameters**

The emission point stack parameters (Inner Diameter, Emission Point Elevation, and UTM Coordinates) of each source identified under the Emission Units Table 1.0 shall be in accordance with the specifications as given on the Emission Points Data Sheet in the most updated version of Permit Applications R14-0037 and R14-0037A.

4.1.14. **General Rule Applicability**

The permittee shall meet all applicable requirements, including those not specified above, as given under 45CSR2, 45CSR6, 45CSR7, 45CSR10, 40 CFR 60, Subparts OOO and IIII, and 40 CFR 63, Subparts DDD, JJJJ, ZZZZ, and DDDDD. Any final revisions made to the above rules will, where applicable, supercede those specifically cited in this permit.

4.2. Monitoring, Compliance Demonstration, Recording and Reporting Requirements

4.2.1. **Maximum Design Capacity Compliance**

Compliance with the maximum design capacity limitations as given under 4.1. shall be based on a clear and visible boilerplate rating or on product literature, manufacturer's data, or equivalent documentation that shows that the specific emission unit(s) or processing line in question is limited by design to a throughput or production rate that does not exceed the specified value under 4.1.

4.2.2. **Maximum Design Heat Input Compliance**

Compliance with the various combustion unit MDHI limitations as given under 4.1. shall be based on a clear and visible boilerplate rating or on product literature, manufacturer's data, or equivalent documentation that shows that the specific emission unit(s) in question is limited by design to an MDHI that does not exceed the specified value under 4.1.

4.2.3. **Material/Production Throughputs**

To determine continuous compliance with maximum production, throughputs, and combustion limits given under in 4.1 of the permit, the permittee shall monitor and record the following:

Table 4.2.3: Facility Quantities Monitored/Recorded

Quantity Monitored/Recorded	Emission Unit(s)	Measured Units
Portable Melt Crushing	Portable Melt Crusher	Hours of Operation/year
Emergency Fire Pump Hours of Operation(1)	EFP1	Hours of Operation/Year
Storage Tank Throughputs	Various	Gallons/year

(1) Strictly for the purposes of compliance with 4.1.10(a), only non-emergency hours of operation are required to be monitored. Subpart IIII, however, requires monitoring of all hours of operation.

4.2.4. **Baghouse/Filter Vents**

To determine continuous compliance with the filter/baghouse emission limits given under Section 4.1 of the permit, the permittee shall maintain and operate the control devices according to the requirements given under 4.1.12(a). The permittee shall keep a record of all significant maintenance or repair performed on these control devices (changing out bags, replacing filter material, etc.).

4.2.5. *[Reserved]*

4.2.6. **Melting Furnace CEMS (IMF01)**

In order to show continuous compliance with the CO, NO_x, and SO_2 emission limits as given under Table 4.1.4(a), the permittee install and operate a Continuous Emissions Monitoring System (CEMS) for monitoring the emissions of CO, NO_x, and SO_2 from IMF01. The CEMS shall be installed, maintained and operated according to the manufacturers design, specifications, and recommendations, of which a protocol shall be developed by the permittee and approved by the Director prior to operation. The CEMS shall meet the applicable performance specifications required by 40 Part 60, Appendix B, the applicable quality assurance procedures required in 40 CFR Part 60, Appendix F, and the requirements of 40 CFR 60.13. In lieu of the requirements of 40 CFR Part 60, Appendix F, 5.1.1, 5.1.3, and 5.1.4, the permittee may conduct either a Relative Accuracy Audit (RAA) or a Relative

Accuracy Test Audit (RATA) on the CEMS at least once every three (3) years. The permittee shall conduct Cylinder Gas Audits (CGA) each calendar quarter during which a RAA or a RATA is not performed. Data recorded by the CEMS shall be kept for a period not less than three (3) years and shall be made available to the Director or his/her representative upon request.

4.2.7. **Fleece Application Station**

To determine continuous compliance with the VOC/HAP emission limits and the low-VOC requirement given under 4.1.6(a) and (b), the permittee shall monitor and record the following:

a. The monthly and twelve-month rolling total of the amount (in tons) of VOCs/HAPs used in the fleece application process. The amount shall be based on actual material properties (VOC/HAP contents and material densities) and the amount of material used during the applicable time period. The permittee shall assume a 100% volatilization of all VOCs/HAPs used in the fleece application process with no control percentage applied unless granted approval in writing by the Director to use an alternative calculation methodology. The material properties shall be based on applicable vendor data, MSDS, or Certified Product Data Sheets; and

b. The average monthly as-applied VOC/HAP content (in lb-VOC/lb-coating and lb-HAP/lb-coating) as based on the procedures under 40 CFR 63, Subpart JJJJ, Section §63.3370(a).

4.2.8. *[Reserved]*

4.2.9. **Ultra Low Sulfur Fuel**

For the purposes of demonstrating continuing compliance with the maximum sulfur content limit under 4.1.10(a), the permittee shall, at a minimum of once per calendar year, obtain from the fuel oil supplier a certification of the sulfur content of the fuel combusted in the Emergency Fire Pump Engine. An alternative means of determining compliance with 4.2.10. will be subject to prior approval from the Director.

4.2.10. *[Reserved]*

4.2.11. *[Reserved]*

4.2.12. **Control Device Monitoring**

The permittee shall install, maintain, and operate instrumentation to continuously monitor and record the control device parameters as required under 4.1.12 of this permit including, at a minimum, the following:

Table 4.2.12: Control Device Parameters Monitored/Recorded

Control Device	Control Device ID	Parameter(s)
Melting Furnace Baghouse	IMF01-BH	Pressure Drop
WESP	WESP	Secondary Voltage Secondary Amperage
Curing Oven Afterburner	CO-AB	Firebox Temperature(1)

(1) Pursuant to 40 CFR 63, Subpart DDD, §63.1182.

4.2.13. **Visible Emissions Compliance Demonstrations**

Visible emissions Monitoring, Compliance Demonstration, Recording and Reporting shall be in accordance with the following requirements:

a. **45CSR2**
Upon request by the Secretary, compliance with the visible emission requirements of 3.1 [of 45CSR2] shall be determined in accordance with 40 CFR Part 60, Appendix A, Method 9 or by using measurements from continuous opacity monitoring systems approved by the Secretary. The Secretary may require the installation, calibration, maintenance and operation of continuous opacity monitoring systems and may establish policies for the evaluation of continuous opacity monitoring results and the determination of compliance with the visible emission requirements of 3.1 [of 45CSR2]. Continuous opacity monitors shall not be required on fuel burning units which employ wet scrubbing systems for emission control;
[40CSR§2-3.2]

b. **45CSR6**
Compliance with the afterburner opacity requirements given under 4.1.12(f)(2)(i) and (ii) shall be based on the compliance demonstrations required for emission point HE01 as given under 4.2.14(c) and (e);

c. **45CSR7**
At such reasonable time(s) as the Secretary may designate, compliance with the visible emission requirements of 4.1.2(i), 4.1.3(e), 4.1.4(b), 4.1.5(b), and 4.1.7(f) shall be determined in accordance with the procedures outlined under 45CSR7A;

d. **40 CFR 60, Subpart OOO**
The permittee shall meet all applicable visible emissions Monitoring, Compliance Demonstration, Recording and Reporting requirements as given under 40 CFR 60, Subpart OOO, Sections §60.674 through §60.676;

e. **IMF01, HE01, and CE01.**
Emission Points IMF01, HE01, and CE01 are subject to the following visible emissions monitoring and compliance demonstration requirements:

(1) In order to determine compliance with the opacity limits of 4.1.3(e), 4.1.4(b), 4.1.5(b), and 4.1.7(f) of this permit, the permittee shall conduct visible emission checks and/or opacity monitoring and recordkeeping for Emission Points IMF01, HE01, and CE01 in accordance with the following:

(i) The visible emission check shall determine the presence or absence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40CFR Part 60, Appendix A, Method 22 or from the lecture portion of the 40CFR Part 60, Appendix A, Method 9 certification course;

(ii) Visible emission checks shall be conducted at least once per calendar month with a maximum of forty-five (45) days between consecutive readings. These checks shall be performed for a sufficient time interval, but no less than one (1) minute, to determine if any visible emissions are present. Each observation must be recorded as either visible emissions observed or no visible emissions observed. Visible emission checks shall be performed during periods of normal facility operation and appropriate weather conditions;

(iii) If visible emissions are present at a source(s) the permittee shall perform Method 9 readings to confirm that visible emissions are within the limits of 4.1.10 of this permit. Said Method 9 readings shall be taken as soon as practicable, but within seventy-two (72) hours of the Method 22 emission check; and

(iv) If, one year of monthly Method 22 readings show that there are no visible emissions, then the frequency of observations can be reduced to quarterly. If, during quarterly checks, visible emissions are observed, then the frequency of observations shall be returned to monthly.

f. For the purpose of demonstrating compliance with the visible emissions and opacity requirements, the permittee shall maintain records of the visible emission opacity tests and checks. The permittee shall maintain records of all monitoring data required by 4.2.14 documenting the date and time of each visible emission check, the emission point or equipment/ source identification number, the name or means of identification of the observer, the results of the check(s), whether the visible emissions are normal for the process, and, if applicable, all corrective measures taken or planned. The permittee shall also record the general weather conditions (i.e. sunny, approximately 80°F, 6-10 mph NE wind) during the visual emission check(s). Should a visible emission observation be required to be performed per the requirements specified in Method 9, the data records of each observation shall be maintained per the requirements of Method 9. For an emission unit out of service during the evaluation, the record of observation may note "out of service" (O/S) or equivalent; and

g. Any deviation of the allowable visible emission requirement for any emission source discovered during observation using 40CFR Part 60, Appendix A, Method 9 must be reported in writing to the Director of the DAQ as soon as practicable, but within ten (10) calendar days, of the occurrence and shall include, at a minimum, the following information: the results of the visible determination of opacity of emissions, the cause or suspected cause of the violation(s), and any corrective measures taken or planned.

4.2.14. **Baghouse/Fabric Filter Compliance Demonstrations**

Unless specifically requested under 4.3.1. or listed in Table 4.3.2., compliance with all baghouse and fabric filter mass emission limits that have outlet grain loading limits shall be based on vendor information or vendor guarantees that show the maximum outlet grain loading emissions from the baghouse/fabric filter is in compliance with the specific limit.

4.2.15. **Emission Point Map**

The permittee shall prepare and maintain an emission point map of the facility. This map shall consist of a diagram of the location and identification of all emission points at the facility that vent to ambient air. A legend shall be prepared with the map that identifies the emission point type and source(s) contributing to that emission point. This map shall be prepared within 180 days of startup and thereafter be updated as necessary to reflect current facility operations. The map(s) shall be retained on-site and be made available to the Director or his/her duly authorized representative upon request.

4.3. Performance Testing Requirements

4.3.1. At such reasonable time(s) as the Secretary may designate, in accordance with the provisions of 3.3 of this permit, the permittee shall conduct or have conducted test(s) to determine compliance with the emission limitations established in this permit and/or applicable regulations.

4.3.2. **Emissions Point Performance Testing**
The permittee shall conduct, or have conducted, in accordance with a protocol submitted pursuant to 3.3.1(c), and in accordance with the testing schedule in 4.3.3, performance tests on the emission units (as emitted from the listed emission points) to show compliance with the specified pollutants as given in the following table:

Table 4.3.2.: Performance Testing Requirements

Emission Unit(s)	Emission Point	Pollutants	Limit
Melting Furnace	IMF01	All Pollutants under Table 4.1.4(a) with the exception of Mineral Fiber, and Total HAPs.	PPH(2)
Gutter Exhaust, Spinning Chamber, Curing Oven Hoods, Curing Oven, and Cooling Section	HE01	All Pollutants under Table 4.1.5(a) with the exception of SO_2, Mineral Fiber, and Total HAPs.	PPH(2)
Recycle Building Vent 1	CM10	$PM_{2.5(1)}$, $PM_{10(1)}$, PM(1)	PPH gr/dscf

(1) Filterable Only.
(2) Results from the required performance testing used to show compliance with the MACT standards (in lb/ton-melt) may be converted and used for compliance with the PPH limits. Compliance with the MACT standards does not necessarily mean compliance with the limits under Table 4.1.4(a).

4.3.3 With respect to the performance testing required above under Section 4.3.2, the permittee shall, after the initial performance test, periodically conduct additional performance testing on the specified sources according to the following schedule:

Table 4.3.3.: Performance Testing Schedule

Test	Test Results	Retesting Frequency
Initial Baseline	<90% of weight emission standard	Once/3 years
Initial Baseline	>90% of weight emission standard	Annual
Annual	after three successive tests indicate mass emission rates <90% of weight emission standard	Once/3 years
Annual	any tests indicates a mass emission rate >90% of weight emission standard	Annual
Once/3 years	any tests indicates a mass emission rate <90% of weight emission standard	Once/3 years

Test	Test Results	Retesting Frequency
Once/3 years	any test indicates a mass emission rate >90% of weight emission standard	Annual

4.3.4. Performance testing for pollutants monitored by CEMS (CO, NO_x, and SO_2 emitted from the Melting Furnace) are not subject to the performance testing schedule given under Table 4.3.4 and any performance testing shall, unless at such other reasonable time(s) as the Secretary may designate, be conducted on a schedule consistent with the required RATA testing.

4.3.5. The permittee shall use the test methods specified in Table 4.3.5. unless granted approval in writing by the Director to use an alternative test method in a protocol submitted pursuant to 3.3.1(c).

Table 4.3.5: Performance Test Methods

Pollutant	Test Method[1]
CO	Method 10
NO_x	Method 7E
$PM_{2.5}$ (filterable only)	Method 201A
PM_{10}/PM (filterable only)	Method 5
$PM_{2.5}/PM_{10}$ (condensable)	Method 202
SO_2	Method 6C
VOCs	Method 18/25A
COS	Method 15
HF/HCl	Method 26A
Formaldehyde Phenol/ Methanol	Method 318
H_2SO_4	Method 8

(1) All test methods refer to those given under 40 CFR 60, Appendix A

4.3.6. **40 CFR 60, Subpart OOO**
The permittee shall meet all applicable Performance Testing requirements as given under 40 CFR 60, Subpart A, Section §60.8 and Subpart OOO, Section §60.675.

4.3.7. **40 CFR 63, Subpart DDD**
The permittee shall meet all applicable Performance Testing requirements as given under 40 CFR 63, Subpart DDD, Sections §63.1188 through §63.1190.

4.4. Additional Recordkeeping Requirements

4.4.1. **Record of Monitoring.** The permittee shall keep records of monitoring information that include the following:

a. The date, place as defined in this permit and time of sampling or measurements;

b. The date(s) analyses were performed;

c. The company or entity that performed the analyses;

d. The analytical techniques or methods used;

e. The results of the analyses; and

f. The operating conditions existing at the time of sampling or measurement.

4.4.2. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.

4.4.3. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:

a. The equipment involved.

b. Steps taken to minimize emissions during the event.

c. The duration of the event.

d. The estimated increase in emissions during the event.

For each such case associated with an equipment malfunction, the additional information shall also be recorded:

e. The cause of the malfunction.

f. Steps taken to correct the malfunction.

g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.

4.5. Additional Reporting Requirements

4.5.1. The permittee shall submit the following information to the DAQ according to the specified schedules:

a. The permittee shall submit reports of all required monitoring on or before September 15 for the reporting period January 1 to June 30 and March 15 for the reporting period July 1 to December 31. All instances of deviation from permit requirements must be clearly identified in such reports; and

b. The permittee shall submit to the Director on or before March 15, a certification of compliance with all requirements of this permit for the previous calendar year ending on December 31. If, during the previous annual period, the permittee had been out of compliance with any part of this permit, it shall be noted along with the following information: 1) the source/equipment/process that was non-compliant and the specific requirement of this permit that was not met, 2) the date the permitted discovered that the source/ equipment/process was out of compliance, 3) the date the Director was notified, 4) the corrective measures to get the source/equipment/process back into compliance, and 5) the date the source began to operate in compliance. The submission of any non-compliance report shall give no enforcement action immunity to episodes of non-compliance contained therein.

CERTIFICATION OF DATA ACCURACY

I, the undersigned, hereby certify that, based on information and belief formed after reasonable inquiry, all information contained in the attached _____, representing the period beginning _____ and ending _____, and any supporting documents appended hereto, is true, accurate, and complete.

Signature[1] _____ _____
(please use blue ink) Responsible Official or Authorized Representative Date

Name and Title _____ _____
(please print or type) Name Title

Telephone No._____ Fax No. _____

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[1] This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:

a. For a corporation: The president, secretary, treasurer, or 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 a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(I) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), or

(ii) the delegation of authority to such representative is approved in advance by the Director;

b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA); or

d. The designated representative delegated with such authority and approved in advance by the Director.

Laura M. Crowder, Director, and
Steven R. Pursley, PE
Division of Air Quality
West Virginia Department of Environmental Protection
601 57th Street, SE
Charleston, WV 25304
Via email at laura.m.crowder@wv.gov, steven.r.pursley@wv.gov, depairqualitypermiting@wv.gov

RE: Roxul USA, Inc, (dba Rockwool) Modification of Air Permit to Construct - R14-0037A

Dear Mr. Pursley and Director Crowder,

Charles Town with our residents and businesses is directly adjacent to and downwind from Ranson and the Rockwool Ranson Facility. We are therefore interested in ensuring that Rockwool's air emission permits are as protective of air quality as possible and that they provide for effective oversite and enforcement of the permit conditions. In light of this we ask that prior to approving the permit that the West Virginia Department of Environmental Protection (WVDEP) do the following:

- Obtain the information needed to do an independent quantitative analysis of the claims made in Rockwool's applications to modify its air permit to construct, and that the WVDEP perform an independent quantitative analysis to confirm Rockwool's claims in its application.

- Independently quantitatively determine if Rockwool is able to qualify as a minor air emission source and if so, what operational controls are necessary for Rockwool to remain below these emission levels. If Rockwool is found to in fact be a major air emission source, then require Rockwool to be regulated as a major air emission source.

- Require Rockwool to install and operate the Best Available Control Technology for each regulated emission based on the use of natural gas as a fuel source (rather than coal).

- Include specific limits in the permit for all operation limits (hours of operation limits, through put limits, etc.) and include requirements for monitoring, recording, and reporting to WVDEP of all operations included in these limits.

- Include a strict prohibition of the use of coal for any reason at this facility in the permit.

- Include prohibitions of outdoor storage of material and building venting not expressly permitted in the permit.

We respectfully request that the WVDEP take these actions prior to approving the modification to the air emissions permit (R14-0037A).

Charles Town City Council Usual signature

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-916: Volunteer Parking at Wright Denny Elementary School Discussion

ATTACHMENTS:

- parking meter revenue.pdf
- Wright Denny Parking Email.pdf

Sum of Amount	Fiscal Year	Month																
	FY23												FY23 Total	FY24			FY24 Total	Grand Total
Type	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		Jul	Aug	Sep		
Parking Meter	1,110.81	1,572.39	1,838.22	1,446.94	1,364.69	1,182.27	2,306.56	435.25	5,271.78	551.25	5,425.92	3,749.46	26,255.54	2,493.23	3,555.24	3,439.71	9,488.18	35,743.72
Parking Permit	18,980.00	164.00	149.00	487.00	416.00	341.00	387.00	280.00	248.00	198.00	180.00	0.00	21,830.00	19,892.00	754.00	612.00	21,258.00	43,088.00
Grand Total	20,090.81	1,736.39	1,987.22	1,933.94	1,780.69	1,523.27	2,693.56	715.25	5,519.78	749.25	5,605.92	3,749.46	48,085.54	22,385.23	4,309.24	4,051.71	30,746.18	78,831.72

Date	Month	Tran	Reference	Description	Amount	Fiscal Year	Type
07/01/2022	Jul	C16898	RCPT 00081027	VanDelden PP 1133	90.00	FY23	Parking Permit
07/01/2022	Jul	C16898	RCPT 00081049	CONN PP 1191	90.00	FY23	Parking Permit
07/01/2022	Jul	C16898	RCPT 00081055	1025- PP- CONN	180.00	FY23	Parking Permit
07/01/2022	Jul	C16899	RCPT 00081050	MUMAW&VICKERS PP 1076	180.00	FY23	Parking Permit
07/01/2022	Jul	C16899	RCPT 00081050	MUMAW&VICKERS PP 1075	180.00	FY23	Parking Permit
07/01/2022	Jul	B17086		REC FY23 PREPAID PARK PERMITS	15,020.00	FY23	Parking Permit
07/05/2022	Jul	C16910	RCPT 00081097	MOLENDA PP 1042	180.00	FY23	Parking Permit
07/05/2022	Jul	C16910	RCPT 00081116	BARTLES PP 1083	180.00	FY23	Parking Permit
07/05/2022	Jul	C16910	RCPT 00081116	HORNER PP 1084	180.00	FY23	Parking Permit
07/05/2022	Jul	C16911	RCPT 00081085	SMITH PP 1067	180.00	FY23	Parking Permit
07/05/2022	Jul	C16911	RCPT 00081090	VANCE PP 1182	180.00	FY23	Parking Permit
07/05/2022	Jul	C16911	RCPT 00081139	1195-PP- CONN	180.00	FY23	Parking Permit
07/06/2022	Jul	C16951	RCPT 00081142	1132- PP - ORIENTO	90.00	FY23	Parking Permit
07/11/2022	Jul	C16983	RCPT 00081255	WARRINER PP 1134	90.00	FY23	Parking Permit
07/11/2022	Jul	C16983	RCPT 00081273	SKINNER LAW PP 1102	180.00	FY23	Parking Permit
07/11/2022	Jul	C16983	RCPT 00081273	SKINNER LAW PP 1103	180.00	FY23	Parking Permit
07/11/2022	Jul	C16983	RCPT 00081273	SKINNER LAW PP 1093	180.00	FY23	Parking Permit
07/11/2022	Jul	C16983	RCPT 00081275	PP - 1109- JEFFERSON GROUP	180.00	FY23	Parking Permit
07/11/2022	Jul	C16983	RCPT 00081275	PP - 1111- JEFFERSON GROUP	180.00	FY23	Parking Permit
07/11/2022	Jul	C16983	RCPT 00081275	PP - 1112- JEFFERSON GROUP	180.00	FY23	Parking Permit
07/14/2022	Jul	C17007	RCPT 00081384	BUEDE PP 1138	180.00	FY23	Parking Permit
07/15/2022	Jul	C17019	RCPT 00081405	1013- parking permit-MATTHEWS	180.00	FY23	Parking Permit
07/15/2022	Jul	C17020	RCPT 00081412	CRUM PP 1014	90.00	FY23	Parking Permit
07/22/2022	Jul	C17059	RCPT 00081578	SANDERS PP 1127	180.00	FY23	Parking Permit
07/22/2022	Jul	C17059	RCPT 00081579	SHIVELY PP 1079	180.00	FY23	Parking Permit
07/27/2022	Jul	C17081	RCPT 00081718	1113 - PP- HOLLENSHEAD	90.00	FY23	Parking Permit
07/29/2022	Jul	B17189	Deposit 108028	JUL2022 PARKING METER COIN DEP	1,110.81	FY23	Parking Meter
08/10/2022	Aug	B17373	E.F.T. 000000	JULY2022 PARKMOBILE DEP	492.75	FY23	Parking Meter
08/29/2022	Aug	C17340	RCPT 00082469	COOPER PP 1108	164.00	FY23	Parking Permit
08/31/2022	Aug	B17375	Deposit 103068	AUG2022 PARKING METER COIN DEP	1,079.64	FY23	Parking Meter
09/06/2022	Sep	C17392	RCPT 00082585	DERR PP 1005	149.00	FY23	Parking Permit
09/13/2022	Sep	B17495	E.F.T. 000000	AUG2022 PARKMOBILE DEP	646.00	FY23	Parking Meter
09/27/2022	Sep	C17456	RCPT 00082922	PARKING PERMIT 1206 HARDEE	149.00	FY23	Parking Meter
09/30/2022	Sep	B17494	Deposit 106102	SEP2022 PARKING METER COIN DEP	1,043.22	FY23	Parking Meter
10/05/2022	Oct	C17474	RCPT 00083025	JUROR PARKING 09/13-09/19/22	68.00	FY23	Parking Permit
10/05/2022	Oct	C17474	RCPT 00083026	JUROR PARKING 09/20-09/21/22	70.00	FY23	Parking Permit
10/07/2022	Oct	C17504	RCPT 00083047	HUNT 1008	70.00	FY23	Parking Permit
10/12/2022	Oct	B17591	E.F.T. 000000	SEPT2022 PARKMOBILE DEP	629.50	FY23	Parking Meter
10/14/2022	Oct	C17533	RCPT 00083145	PARKING PERMIT #1006	134.00	FY23	Parking Permit
10/17/2022	Oct	C17552	RCPT 00083160	JURORS PARKING 9/26/22-9/28/22	78.00	FY23	Parking Permit
10/25/2022	Oct	C17572	RCPT 00083273	PARKING PERMIT 1158- JONES	67.00	FY23	Parking Permit
10/31/2022	Oct	B17630	Deposit 106029	OCT2022 PARKING METER COIN DEP	817.44	FY23	Parking Meter
11/04/2022	Nov	C17621	RCPT 00083397	BROWNING PP 1015	59.00	FY23	Parking Permit
11/10/2022	Nov	C17648	RCPT 00083476	PARKING PERMIT -1017	119.00	FY23	Parking Permit

11/10/2022	Nov	B17731	E.F.T. 000000	OCT2022 PARKMOBILE DEP	566.50	FY23	Parking Meter
11/16/2022	Nov	C17667	RCPT 00083556	PARKING PERMIT -1028	119.00	FY23	Parking Permit
11/21/2022	Nov	C17675	RCPT 00083603	PANHANDLE LEGAL 1029	119.00	FY23	Parking Permit
11/30/2022	Nov	B17732	Deposit 106102	NOV2022 PARKING METER COIN DEP	798.19	FY23	Parking Meter
12/02/2022	Dec	C17693	RCPT 00083710	WALLACE PP 1030	104.00	FY23	Parking Permit
12/12/2022	Dec	C17757	RCPT 00083810	JUROR PARKING10/18/22-10/20/22	72.00	FY23	Parking Permit
12/12/2022	Dec	C17757	RCPT 00083811	JUROR PARKING 10/25/2022	24.00	FY23	Parking Permit
12/12/2022	Dec	C17757	RCPT 00083812	JUROR PARKING11/17/22-11/18/22	52.00	FY23	Parking Permit
12/21/2022	Dec	B17806	E.F.T. 000000	NOV2022 PARKMOBILE DEP	446.25	FY23	Parking Meter
12/30/2022	Dec	C17794	RCPT 00083999	PARKER PP 1050	89.00	FY23	Parking Permit
12/30/2022	Dec	B17824	Deposit 109009	DEC2022 PARKING METER COIN DEP	736.02	FY23	Parking Meter
01/05/2023	Jan	C17841	RCPT 00084054	HERNANDEZ PP 1201	89.00	FY23	Parking Permit
01/06/2023	Jan	C17849	RCPT 00084084	VERNON PP 1051	89.00	FY23	Parking Permit
01/09/2023	Jan	C17854	RCPT 00084104	JURORS PARKING 12/13/22	52.00	FY23	Parking Permit
01/12/2023	Jan	B17983	E.F.T. 000000	DEC2022 PARKMOBILE DEP	190.50	FY23	Parking Meter
01/30/2023	Jan	C17953	RCPT 00084439	JUROR PARKING 01/17/2023	68.00	FY23	Parking Permit
01/30/2023	Jan	C17954	RCPT 00084449	LEWIS PP 1056	89.00	FY23	Parking Permit
01/31/2023	Jan	B17988	Deposit 102002	JAN2023 PARKING METER COIN DEP	2,116.06	FY23	Parking Meter
02/03/2023	Feb	C18011	RCPT 00084547	MOTILAL PP 1057	37.00	FY23	Parking Permit
02/10/2023	Feb	B18163	E.F.T. 000000	JAN2023 PARKMOBILE DEP	435.25	FY23	Parking Meter
02/13/2023	Feb	C18041	RCPT 00084694	RINKER PP 1064	37.00	FY23	Parking Permit
02/17/2023	Feb	C18060	RCPT 00084773	PP 1068 FY23 LAMP	73.00	FY23	Parking Permit
02/17/2023	Feb	C18060	RCPT 00084773	PP 1069 FY23 BLACK	73.00	FY23	Parking Permit
02/28/2023	Feb	C18115	RCPT 00084938	FRANKLIN PP 1096	60.00	FY23	Parking Permit
03/01/2023	Mar	B18328	Deposit 115029	FEB2023 PARKING METER COIN DEP	1,316.63	FY23	Parking Meter
03/02/2023	Mar	C18121	RCPT 00085015	SKINNER PP 1125	60.00	FY23	Parking Permit
03/02/2023	Mar	B18329	Deposit 106015	FEB2023 PARKING METER COIN DEP	875.48	FY23	Parking Meter
03/06/2023	Mar	C18126	RCPT 00085051	JUROR PARKING 2/21/23-2/23/23	78.00	FY23	Parking Permit
03/10/2023	Mar	B18330	E.F.T. 000000	FEB2023 PARKMOBILE DEP	474.25	FY23	Parking Meter
03/13/2023	Mar	C18207	RCPT 00085203	RNKER 1116	30.00	FY23	Parking Permit
03/31/2023	Mar	C18262	RCPT 00085495	JUROR PARKING 3/22/23-3/24/23	80.00	FY23	Parking Permit
03/31/2023	Mar	B18331	Deposit 110061	MAR2023 PARKING METER COIN DEP	2,605.42	FY23	Parking Meter
04/04/2023	Apr	C18267	RCPT 00085557	SOPTELEAN PP 1120	22.00	FY23	Parking Permit
04/07/2023	Apr	C18338	RCPT 00085637	SOKEL PP 1121	22.00	FY23	Parking Permit
04/07/2023	Apr	C18338	RCPT 00085641	TEYTAS TREATS PP 1135	22.00	FY23	Parking Permit
04/10/2023	Apr	C18348	RCPT 00085661	PAILEN PP 1154	22.00	FY23	Parking Permit
04/10/2023	Apr	C18348	RCPT 00085661	SUSICE PP 1139	22.00	FY23	Parking Permit
04/12/2023	Apr	B18426	E.F.T. 000000	MAR2023 PARKMOBILE DEP	551.25	FY23	Parking Meter
04/14/2023	Apr	C18360	RCPT 00085765	MANN PP 1136	22.00	FY23	Parking Permit
04/20/2023	Apr	C18373	RCPT 00085886	DONNA MARRONE PP 1156	22.00	FY23	Parking Permit
04/20/2023	Apr	C18373	RCPT 00085886	NOAH MARRONE PP 1155	22.00	FY23	Parking Permit
04/27/2023	Apr	C18386	RCPT 00086046	AMANDA CLARK PP1153	22.00	FY23	Parking Permit
05/01/2023	May	C18399	RCPT 00086091	JUROR PARKING 04/18/23	34.00	FY23	Parking Permit
05/01/2023	May	B18580	Deposit 103103	APR2023 PARKING METER COIN DEP	2,407.46	FY23	Parking Meter
05/03/2023	May	C18406	RCPT 00086201	KWOLEK PP 1140	22.00	FY23	Parking Permit

05/08/2023	May	C18457	RCPT 00086277	FONSECA PP1145	22.00	FY23	Parking Permit
05/10/2023	May	C18470	RCPT 00086304	BOSSERMAN PP1144	44.00	FY23	Parking Permit
05/10/2023	May	B18578	E.F.T. 000000	APR2023 PARKMOBILE DEP	457.00	FY23	Parking Meter
05/23/2023	May	C18493	RCPT 00086549	05/23/23- 05/25/23 GLASSCOCK	6.00	FY23	Parking Permit
05/23/2023	May	C18494	RCPT 00086539	PAINTER 05/24/23 121 W WASHING	8.00	FY23	Parking Permit
05/26/2023	May	C18505	RCPT 00086607	BAKER PP 1188	44.00	FY23	Parking Permit
05/31/2023	May	B18579	Deposit 103051	MAY2023 PARKING METER COIN DEP	2,561.46	FY23	Parking Meter
06/01/2023	Jun	C18520	RCPT 00086697	KEITER PP 1141	44.00	FY23	Parking Permit
06/12/2023	Jun	B18777	E.F.T. 000000	MAY2023 PARKMOBILE DEP	654.75	FY23	Parking Meter
06/15/2023	Jun	C18666	RCPT 00087121	GUY PP 23050	180.00	FY23	Parking Permit
06/21/2023	Jun	C18686	RCPT 00087214	SOPTELEAN PP 23051	180.00	FY23	Parking Permit
06/21/2023	Jun	C18686	RCPT 00087214	TAYLOR PP23052	180.00	FY23	Parking Permit
06/21/2023	Jun	C18686	RCPT 00087214	YOUNG PP 23053	180.00	FY23	Parking Permit
06/21/2023	Jun	C18686	RCPT 00087214	COOK PP 23054	180.00	FY23	Parking Permit
06/21/2023	Jun	C18686	RCPT 00087214	SNYDER PP 23055	180.00	FY23	Parking Permit
06/21/2023	Jun	C18686	RCPT 00087214	LAWRENCE PP 23056	180.00	FY23	Parking Permit
06/22/2023	Jun	C18691	RCPT 00087224	MORROW PP 23057	180.00	FY23	Parking Permit
06/22/2023	Jun	C18691	RCPT 00087258	MUMAW VICKERS PP 23058	180.00	FY23	Parking Permit
06/22/2023	Jun	C18691	RCPT 00087258	MUMAW & VICKERS PP 23059	180.00	FY23	Parking Permit
06/23/2023	Jun	C18710	RCPT 00087267	ANDREW SKINNER PP 23061	180.00	FY23	Parking Permit
06/23/2023	Jun	C18710	RCPT 00087267	STEPHEN SKINNER PP 23060	180.00	FY23	Parking Permit
06/23/2023	Jun	C18710	RCPT 00087267	KATHY SKINNER PP 23062	180.00	FY23	Parking Permit
06/23/2023	Jun	C18710	RCPT 00087272	BENNET D PP 23063	180.00	FY23	Parking Permit
06/23/2023	Jun	C18710	RCPT 00087272	FRIEND A PP 23064	180.00	FY23	Parking Permit
06/23/2023	Jun	C18710	RCPT 00087272	BASSETT R PP 23065	180.00	FY23	Parking Permit
06/23/2023	Jun	C18710	RCPT 00087272	POTTER B PP 23066	180.00	FY23	Parking Permit
06/23/2023	Jun	C18710	RCPT 00087272	BENNET H PP 23068	180.00	FY23	Parking Permit
06/23/2023	Jun	C18711	RCPT 00087271	VERNON PP 23067	180.00	FY23	Parking Permit
06/23/2023	Jun	C18711	RCPT 00087293	DERR PP 23070	180.00	FY23	Parking Permit
06/23/2023	Jun	C18711	RCPT 00087293	BEALL PP 23071	180.00	FY23	Parking Permit
06/26/2023	Jun	C18718	RCPT 00087310	WYSONG PP 23074	90.00	FY23	Parking Permit
06/26/2023	Jun	C18718	RCPT 00087310	WYSONG PP 23075	180.00	FY23	Parking Permit
06/26/2023	Jun	C18718	RCPT 00087313	LEWIS PP 23078	180.00	FY23	Parking Permit
06/26/2023	Jun	C18718	RCPT 00087313	LEWIS PP 23079	180.00	FY23	Parking Permit
06/26/2023	Jun	C18718	RCPT 00087318	ARMENTROUT PP 23080	180.00	FY23	Parking Permit
06/26/2023	Jun	C18719	RCPT 00087307	KWOLEK PP 23072	90.00	FY23	Parking Permit
06/26/2023	Jun	C18719	RCPT 00087311	VAN DELDEN PP 23077	90.00	FY23	Parking Permit
06/27/2023	Jun	C18723	RCPT 00087361	HENRY CHRISTIE PERMIT 23082	180.00	FY23	Parking Permit
06/28/2023	Jun	C18728	RCPT 00087371	PARKING PERMIT 23083	180.00	FY23	Parking Permit
06/28/2023	Jun	C18728	RCPT 00087371	PARKING PERMIT 23084	180.00	FY23	Parking Permit
06/28/2023	Jun	C18728	RCPT 00087371	PARKING PERMIT 23085	180.00	FY23	Parking Permit
06/28/2023	Jun	C18728	RCPT 00087373	PARKING PERMIT 23086	180.00	FY23	Parking Permit
06/28/2023	Jun	C18728	RCPT 00087373	PARKING PERMIT 23087	180.00	FY23	Parking Permit
06/28/2023	Jun	C18728	RCPT 00087373	PARKING PERMIT 23088	180.00	FY23	Parking Permit
06/28/2023	Jun	C18728	RCPT 00087373	PARKING PERMIT 23089	180.00	FY23	Parking Permit

06/28/2023	Jun	C18728	RCPT 00087373	PARKING PERMIT 23090	180.00	FY23	Parking Permit
06/28/2023	Jun	C18728	RCPT 00087373	PARKING PERMIT 23091	180.00	FY23	Parking Permit
06/28/2023	Jun	C18728	RCPT 00087373	PARKING PERMIT 23092	180.00	FY23	Parking Permit
06/28/2023	Jun	C18729	RCPT 00087386	PARKING PERMIT 23093	180.00	FY23	Parking Permit
06/28/2023	Jun	C18729	RCPT 00087386	PARKING PERMIT 23094	180.00	FY23	Parking Permit
06/28/2023	Jun	C18729	RCPT 00087386	PARKING PERMIT 23095	180.00	FY23	Parking Permit
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06/28/2023	Jun	C18729	RCPT 00087386	PARKING PERMIT 23096	180.00	FY23	Parking Permit
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06/29/2023	Jun	C18738	RCPT 00087407	GUSTINES PP 23108	180.00	FY23	Parking Permit
06/29/2023	Jun	C18738	RCPT 00087407	CRAWFOR A PP23109	180.00	FY23	Parking Permit
06/29/2023	Jun	C18738	RCPT 00087407	RICE PP 23110	180.00	FY23	Parking Permit
06/29/2023	Jun	C18738	RCPT 00087407	HINKLE PP 23111	180.00	FY23	Parking Permit
06/29/2023	Jun	C18738	RCPT 00087407	HARRISON PP 23112	180.00	FY23	Parking Permit
06/29/2023	Jun	C18738	RCPT 00087407	BARR PP23113	180.00	FY23	Parking Permit
06/29/2023	Jun	C18738	RCPT 00087407	CRAWFORD J PP 23114	180.00	FY23	Parking Permit
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06/29/2023	Jun	C18738	RCPT 00087445	WALLACE PP 23123	180.00	FY23	Parking Permit
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06/29/2023	Jun	C18739	RCPT 00087414	SALAS PP 23116	180.00	FY23	Parking Permit
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06/30/2023	Jun	C18742	RCPT 00087470	FY24 PP - HORNER	180.00	FY23	Parking Permit
06/30/2023	Jun	C18742	RCPT 00087471	PP 23128 - MCVEY	90.00	FY23	Parking Permit
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06/30/2023	Jun	C18743	RCPT 00087469	PARKING PERMIT 23127	180.00	FY23	Parking Permit
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06/30/2023	Jun	B19227		Accr Jun 2023 Parkmobile Dep	661.00	FY23	Parking Meter
07/01/2023	Jul	B19198		Rec FY23 Prepaid Park Permits	12,914.00	FY24	Parking Permit
07/05/2023	Jul	C18767	RCPT 00087493	DUNCAN PP 23132	180.00	FY24	Parking Permit
07/05/2023	Jul	C18767	RCPT 00087500	PANHANDLE LEGAL PP 23133	180.00	FY24	Parking Permit

07/05/2023	Jul	C18767	RCPT 00087500	PANHANDLE LEGAL PP 23134	180.00	FY24	Parking Permit
07/05/2023	Jul	C18767	RCPT 00087536	LIGHT PP 23138	180.00	FY24	Parking Permit
07/05/2023	Jul	C18767	RCPT 00087537	HILL PP 23137	180.00	FY24	Parking Permit
07/05/2023	Jul	C18768	RCPT 00087511	VERNA PP 23135	180.00	FY24	Parking Permit
07/05/2023	Jul	C18768	RCPT 00087517	ORIENTO PP 23136	90.00	FY24	Parking Permit
07/05/2023	Jul	C18768	RCPT 00087538	WARRINER PP 23139	90.00	FY24	Parking Permit
07/06/2023	Jul	C18812	RCPT 00087589	BANKS PP 23142	180.00	FY24	Parking Permit
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07/06/2023	Jul	C18812	RCPT 00087589	SCALIA PP 23146	180.00	FY24	Parking Permit
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07/06/2023	Jul	C18812	RCPT 00087589	CESARE PP 23152	180.00	FY24	Parking Permit
07/06/2023	Jul	C18812	RCPT 00087589	JONES PP 23153	180.00	FY24	Parking Permit
07/06/2023	Jul	C18812	RCPT 00087589	FRALEY PP 23154	180.00	FY24	Parking Permit
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07/06/2023	Jul	C18813	RCPT 00087577	COOPER PP 23141	180.00	FY24	Parking Permit
07/07/2023	Jul	C18822	RCPT 00087643	PP PARKER 23163	180.00	FY24	Parking Permit
07/07/2023	Jul	C18822	RCPT 00087645	SANDERSON PP 23164	180.00	FY24	Parking Permit
07/10/2023	Jul	C18832	RCPT 00087708	SNOOK PP 23165	90.00	FY24	Parking Permit
07/11/2023	Jul	C18838	RCPT 00087770	SKINNER PP 23166	180.00	FY24	Parking Permit
07/11/2023	Jul	C18838	RCPT 00087770	LEHMAN PP 23167	180.00	FY24	Parking Permit
07/11/2023	Jul	C18839	RCPT 00087772	SCOTT PP 23168	90.00	FY24	Parking Permit
07/11/2023	Jul	C18839	RCPT 00087772	TAHOR 99 23169	90.00	FY24	Parking Permit
07/12/2023	Jul	C18844	RCPT 00087813	DUMAS PP 23170	180.00	FY24	Parking Permit
07/13/2023	Jul	C18854	RCPT 00087824	TEMP NO PARKING PERMIT	48.00	FY24	Parking Permit
07/13/2023	Jul	B18954	E.F.T. 000000	JUNE2023 PARKMOBILE DEP	661.00	FY24	Parking Meter
07/13/2023	Jul	B19228		Accr Jun 2023 Parkmobile Dep	(661.00)	FY24	Parking Meter
07/20/2023	Jul	C18885	RCPT 00087995	HOUCHINS PP 23171	180.00	FY24	Parking Permit
07/27/2023	Jul	C18923	RCPT 00088185	PP CATHY SCOTT #23172	170.00	FY24	Parking Permit
07/27/2023	Jul	C18924	RCPT 00088183	PP CATHY SCOTT #23172	10.00	FY24	Parking Permit
08/01/2023	Aug	C18945	RCPT 00088371	PARKIN PERMIT 23173	180.00	FY24	Parking Permit
08/01/2023	Aug	C18945	RCPT 00088375	PARKING PERMIT 23174	164.00	FY24	Parking Permit

08/08/2023	Aug	C19020	RCPT 00088590	HARDEE PP 23175	164.00	FY24	Parking Permit
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09/01/2023	Sep	C19135	RCPT 00089095	LEONARD PERMIT #23178	149.00	FY24	Parking Permit
09/01/2023	Sep	C19135	RCPT 00089097	LEONARD PERMIT 23179	149.00	FY24	Parking Permit
09/06/2023	Sep	C19158	RCPT 00089167	PARKING PERMIT 23180	149.00	FY24	Parking Permit
09/18/2023	Sep	C19180	RCPT 00089431	9/19/23-9/22/23 B&M PAINTING	16.00	FY24	Parking Permit
09/27/2023	Sep	C19237	RCPT 00089580	VIANDS PERMIT 23183	149.00	FY24	Parking Permit
9/14/2023	Sep			Aug 2023 Parkmobile Dep	906.00	FY24	Parking Meter
7/31/2023	Jul			JUL2023 PARKING METER COIN DEP	2,493.23	FY24	Parking Meter
8/31/2023	Aug			AUG2023 PARKING METER COIN DEP	2,842.74	FY24	Parking Meter
9/29/2023	Sep			SEP2023 PARKING METER COIN DEP	2,533.71	FY24	Parking Meter

From: Patrick Beirne <pjb3423@yahoo.com>
Sent: Saturday, October 14, 2023 8:36 AM
To: Jeff Hynes <jhynes@charlestownwv.us>; John Nissel <jnissel@charlestownwv.us>
Subject: City Council Meeting

Good Morning Jeff,

I will not be able to attend the meeting Monday night due to work. I wanted to send you an email letting you know that my wife and I 100% support this change. We have a daughter who attends Wright Deny and a son who will be there in a few years. We go to the school all the time, for Book Fairs, to have lunch with our kids and my wife does volunteer work at the school as much as she can. We have received a parking ticket in the past for parking in front of the school because we didn't have any change for the meter. We feel that paying for a parking spot, regardless of the amount is a bit much. We feel that asking for specific times during the day for parking to be free isn't asking too much.

Please let me know if there is else we can do to help get this passed.

Thank you sir,

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Category: Resolution
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-918: S. George Street Sidewalk Resolution

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-920: Blue Ridge Watershed Coalition Report

ATTACHMENTS:

- Mayor's letter to Blue Ridge Watershed Coalition.pdf
- BRWC_SourceTrackingFinalReport.pdf

OFFICE OF THE MAYOR
ROBERT M. TRAINOR

The Golden Rule City

April 27, 2022

Mr. John Maxey
Blue Ridge Watershed Coalition
Grant Committee
johnrmaxey@gmail.com

Dear Mr. Maxey,

This letter is in response to your request for the Blue Ridge Watershed Coalition (BRWC) team to collect various water samples that are located within several Charles Town municipal parks. It is my understanding a grant funded by Keep PA Beautiful covers all laboratory fees associated with the water sample analysis.

This letter serves as approval for the water sample collection, with the understanding, there is no anticipated expenditure for the City. Further, in consideration for the BRWC personnel to collect water samples from municipal park on-site locations, the City of Charles Town is waived from any liability from all claims, including negligence and death, arising from the water sample collection process. The BRWC is solely responsible for the safety and well-being of all personnel completing the water quality project.

It is the City's understanding the water sample collections will take place on the first Friday of every month from July 2022 through June 2023, while funding is permitted.

On behalf of the City of Charles Town, thank you for your participation in ensuring the highest level of water quality for our community. We look forward to the results of the sampling data analysis.

Sincerely,

Robert M. Trainor
Mayor

September 1, 2023
CWA §319 Project Final Report
BRWC Bacteria Source Tracking Project

Awarding Agency	FAIN	Federal Award Date	CFDA # and name
EPA	00350021	07/22/2021	66.460/319 AGO

Grant Year	Program Period	NPS Number	Subrecipient FEIN	SAM UID
2022	EY21	NPS1815	452105782	FQ8DB58AM758



Shenandoah River at Harpers Ferry

Blue Ridge Watershed Coalition
SAM UID: FQ8DB58AM758
P.O. Box 538
Harpers Ferry, WV 25425

Email: blueridgewatershed@gmail.com WEB: www.blueridgewatershed.org
Chair Ronda Lehman: 304-261-8070
Project Chair John Maxey: 304-707-1954

HUC-8 Code (2070007) Shenandoah Jefferson
HUC-12 Code (20700070301) Bullskin Run
HUC-12 Code (20700070302) Evitts Run
HUC-12 Code (20700070303) Furnace Run

303(d) list Stream Code (WV-PS-32_01) Hog Run
303(d) list Stream Code (WV-PS-21-A_01) Little Lake Run
303(d) list Stream Code (WV-PS-19_01) Johnsons Hill
303(d) list Stream Code (WV-PS-14_01) Forge Run
303(d) list Stream Code (WV-PS-18_02) Evitts Run
303(d) list Stream Code (WV-PS-18_03) Evitts Run
303(d) list Stream Code (WV-PS-25_02) Bullskin Run
303(d) list Stream Code (WV-PS-25_03) Bullskin Run
303(d) list Stream Code (WV-PS-25-G_01) North Fork Bullskin Run

Summary

The Blue Ridge Watershed Coalition has been monitoring water quality of the Shenandoah River and its tributary streams in Jefferson County for ten years. With funding from the Eastern Panhandle Conservation District and the Two Rivers Giving Circle, BRWC has collected water quality data from March 2013 through August 2023 for analysis at the Friends of the Shenandoah River water quality lab at Shenandoah University. This data has been forwarded to the West Virginia DEP and used in the Integrated Water Quality Assessment reports filed with EPA as required by the 1972 Clean Water Act. Completed every two years, the assessments are used to establish the list of impaired waters for which states must establish plans for the reduction of pollutants to acceptable levels.

Twenty-five years ago, only one stream in Jefferson County's Shenandoah River watershed was listed on the West Virginia 303(d) list, (*An ecological assessment of the West Virginia portions of the Shenandoah River watershed – 1996,* 1998). As of this year, there are ten - with nine of the streams/stream segments monitored by BRWC now listed in addition to the Shenandoah River. All nine of the new listings are for biological impairment by fecal coliform bacteria.

The purpose of this study is to determine sources of the contamination using quantitative polymerase chain reaction (qPCR) analysis (Haugland et al. 2005, Wade et al. 2010) for mitochondrial DNA markers using host primers of six suspected source species. Samples were collected according to the project SOP and pushed through a filter using a sterilized plunger before being injected with preservative and sealed. Sealed filters were then shipped to Jonah Ventures environmental DNA lab in Boulder, Colorado and analyzed using an Illumina Miseq sequencer.

Previous monitoring data indicated that bacterial contamination may vary according to temperature and rain events. To account for these differences, samples were taken at each of nine sites at three different times over the course of the year. The first samples were obtained on December 12, 2022, with an average temperature of 38ºF and no rain within 48 hours. The second samples were obtained on April 29, 2023, with an average temperature of 54ºF and .71 inches of rain in the 24 hours prior. The final samples were obtained on August 14, 2023, when the temperature averaged 77ºF with .17 inches of rain 36 hours prior.

The geometric mean of all samples pulled from streams listed as impaired across all three seasons shows that human feces is the primary contributor to bacterial contamination in these streams. Pet waste is a distant secondary source and, with the exception of Bullskin Run, agricultural sources are minimal. Differences between streams and from season to season indicate differences in sources and a requirement for site specific mitigation strategies.

Species	DNA Copies per 100mL
E.coli	49
Human	48
Dog	18
Bovine	2
Swine	1
Poultry	1
Sheep	0

Table 1

Problem Description

Sixty-two percent of tributary stream samples over the ten-year period monitored by BRWC have contained levels of E. coli that exceed the recreational water standard set by the EPA in 2012. The chart below shows the E. coli level average for the 303(d) listed streams for each sample date over the past ten years. The EPA limit of 100 CFU 100/mL (shown as the reference line) is estimated to cause 32 illnesses per 1,000 recreational users, (US EPA, 2012).

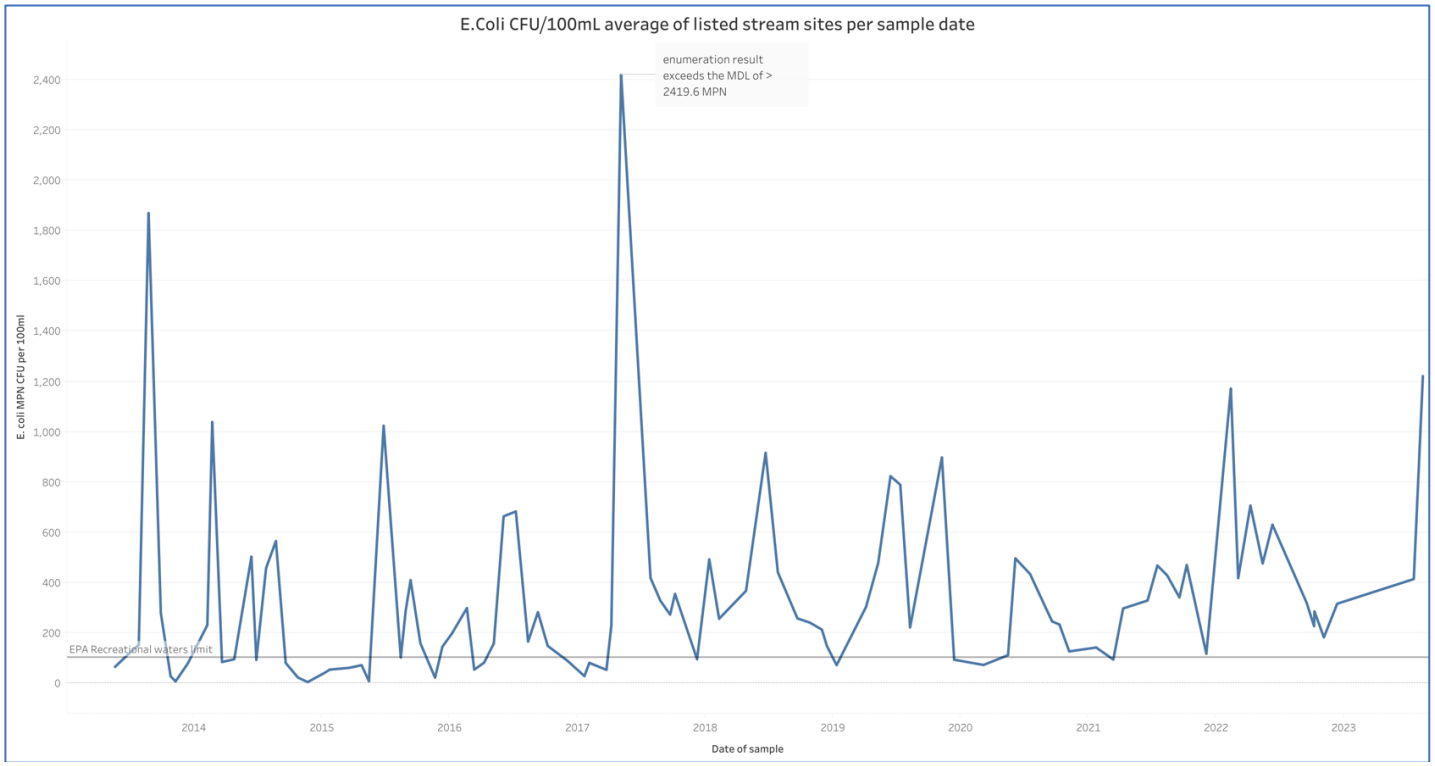


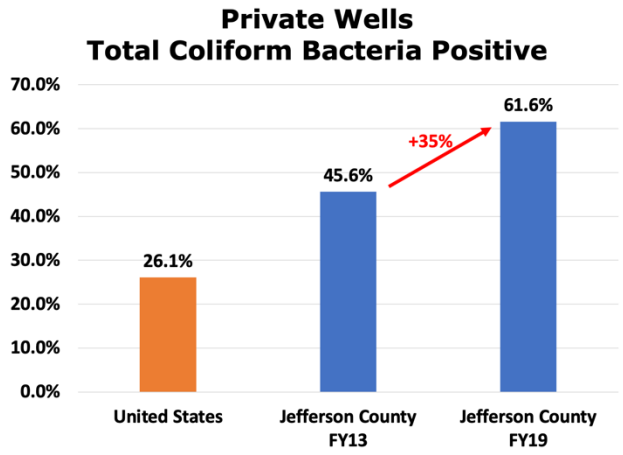
Chart 1

Coliform bacteria contamination is a long-standing problem in Jefferson County. A 1991 USGS study of water quality in Jefferson County found that fifty-three percent of tested residential water wells contained fecal coliform, (Kozar et al. 1991). The 1996 DEP Assessment of fifteen sites in the Shenandoah watershed found ten with fecal coliform levels that exceeded the criterion for recreational uses, and list cattle as "the largest single problem in the watershed", (*An ecological assessment of the West Virginia portions of the Shenandoah River watershed – 1996,* 1998). In an indication that the problem is worsening, three streams on the Blue Ridge that were below the coliform criterion in the 1996 study are now contaminated and included on the 303(d) list.

A study of private water sources in the Republic of Ireland found that karst areas like Jefferson County (west of the Shenandoah River) are extremely vulnerable to surface contamination of groundwater, (Hynds et al. 2012). The same study found that private water wells located within 300 feet and downslope of septic fields are 2.9 times more likely to be contaminated than those that are further away. Current regulations allow wells to be placed just one third of that distance from septic fields.

In 2010 Dr. Peter Villa of Shepherd University conducted a study of spring water quality that found high levels of E. coli even at headwater springs of streams across the county, indicating groundwater contamination, (Villa 2010).

Jefferson County Health Department tests of 770 private well water samples over a seven-year period found that fecal coliform contamination had increased by 35% between July 2012 and June 2019 when the contamination rate was 61.6% - more than double the national average, (Caruso-DiPaolo, 2019). Consumption of contaminated groundwater is estimated to cause over 6.5 million illnesses per year in the U.S., (Hynds et al., 2014).



Caruso-DiPaolo, 2019

Even without surface to groundwater transfer and well water contamination, recreational contact with contaminated water can also be hazardous. Between 2000 and 2014 states reported 140 recreational water contact disease outbreaks and two deaths to the Center for Disease Control and Prevention, (Graciaa et al. 2019).

Samples from the main stem of the Shenandoah exceeded the limit in only seventeen percent of samples, usually following rain events that flush contaminants from the streams and surrounding land. Except for the 48 hours following a rain event, the Shenandoah remains within safe limits for recreational use and has not been listed as impaired by biological contaminants. The river is a primary tourist attraction in Jefferson County with three firms running rafting and tubing excursions on its banks. Tourism in Jefferson County provides 7,000 jobs and contributes $840 million to the local economy each year, (Dean Runyon Associates, 2019). In addition to protecting the health of residents and visitors, addressing the causes of contamination in the tributary streams can help prevent higher levels in the river and protect the tourist economy.

Project Highlights

The Clean Water Act requires that degraded streams on the 303(d) list be restored to their designated uses. The West Virginia Department of Environmental Protection will assign a team to assess each impaired watershed to establish "Total Maximum Daily Loads" (TMDL) of the contaminants causing impairment and design plans for restoration. With this report BRWC hopes to assist these efforts by providing information that can help target the correct sources and establish the most cost effective and direct solutions.

As stated in the 1996 DEP assessment, the primary source of fecal contamination has long been assumed to be agriculture. Heavier agricultural uses in the Virginia portions of the river have influenced this assumption as high biological contamination there is still attributed primarily to cattle and chicken farming, (Schaeffer, 2017). But an overview of land uses in the areas of Jefferson County where the newly listed streams flow shows a wide variety of both uses and geology. The Bullskin Run in southern Jefferson County flows through a karst valley of large farms while the Evitts Run flows through the urban areas of both Ranson and Charles Town. The Hog Run on the southern end of the Blue Ridge in West Virginia is almost entirely in protected forest, and all three of Little Lake Run, Johnson's Hill, and Forge Run flow through more heavily developed non-karst areas of the Blue Ridge.

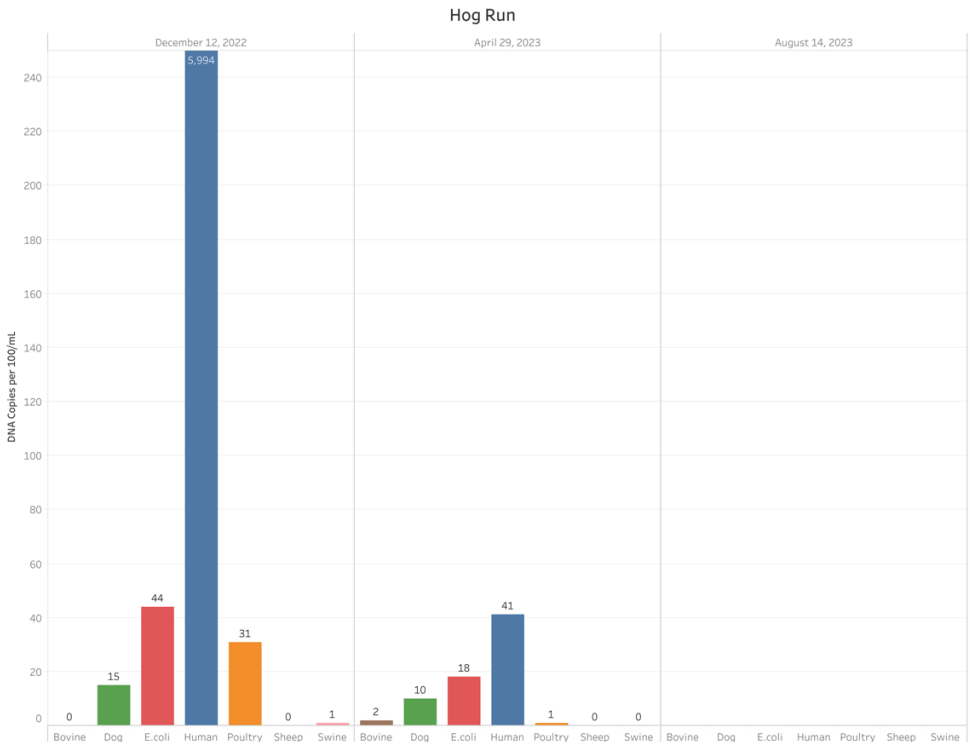
Differences in levels of DNA from site to site and between environmental conditions can assist in determining causes. Two different segments of both Hog Run and Evitts Run were included and the differences from segment to segment can also help define causes. The Evitts Run Park sample site is prior to both the Charles Town and Cave Road sewage treatment plants, both of which emit effluent into the stream. The Hog Run primary site is near the mouth at the river, while site "T0A" is a few miles upstream.

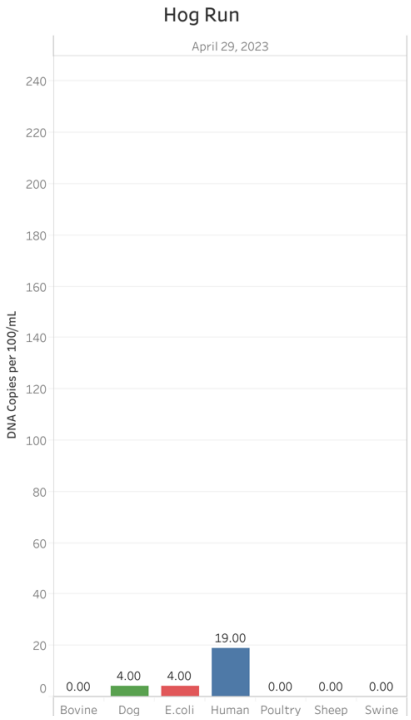
To facilitate sharing of data BRWC has established credentials for access and posting of data to the EPA's Water Quality Exchange Portal (WQX) as BRWC_WV. Projects and site locations have been created on the portal for the Coalition's long-term monitoring data and for the DNA source tracking project. Activity data will be uploaded once the DNA activity classifications are established.

Results

As referenced in Table 1 in the report summary, the geometric mean of all samples across seasons and sample sites indicates a primarily human cause of the coliform contamination in Jefferson County. But large differences from site to site and across seasons can be seen in the samples as shown on the following pages.

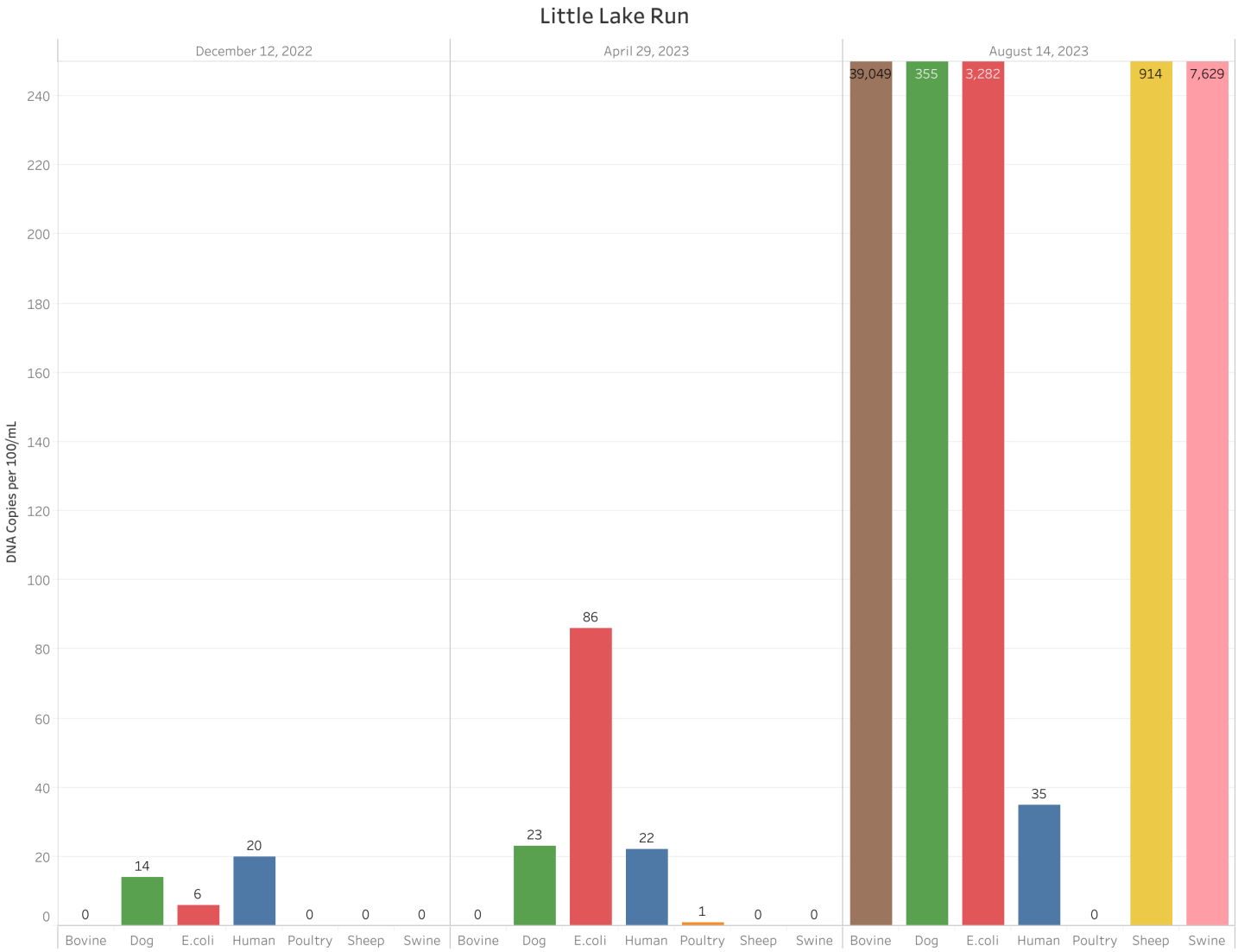
Hog Run - 303(d) list Stream Code (WV-PS-32_01)





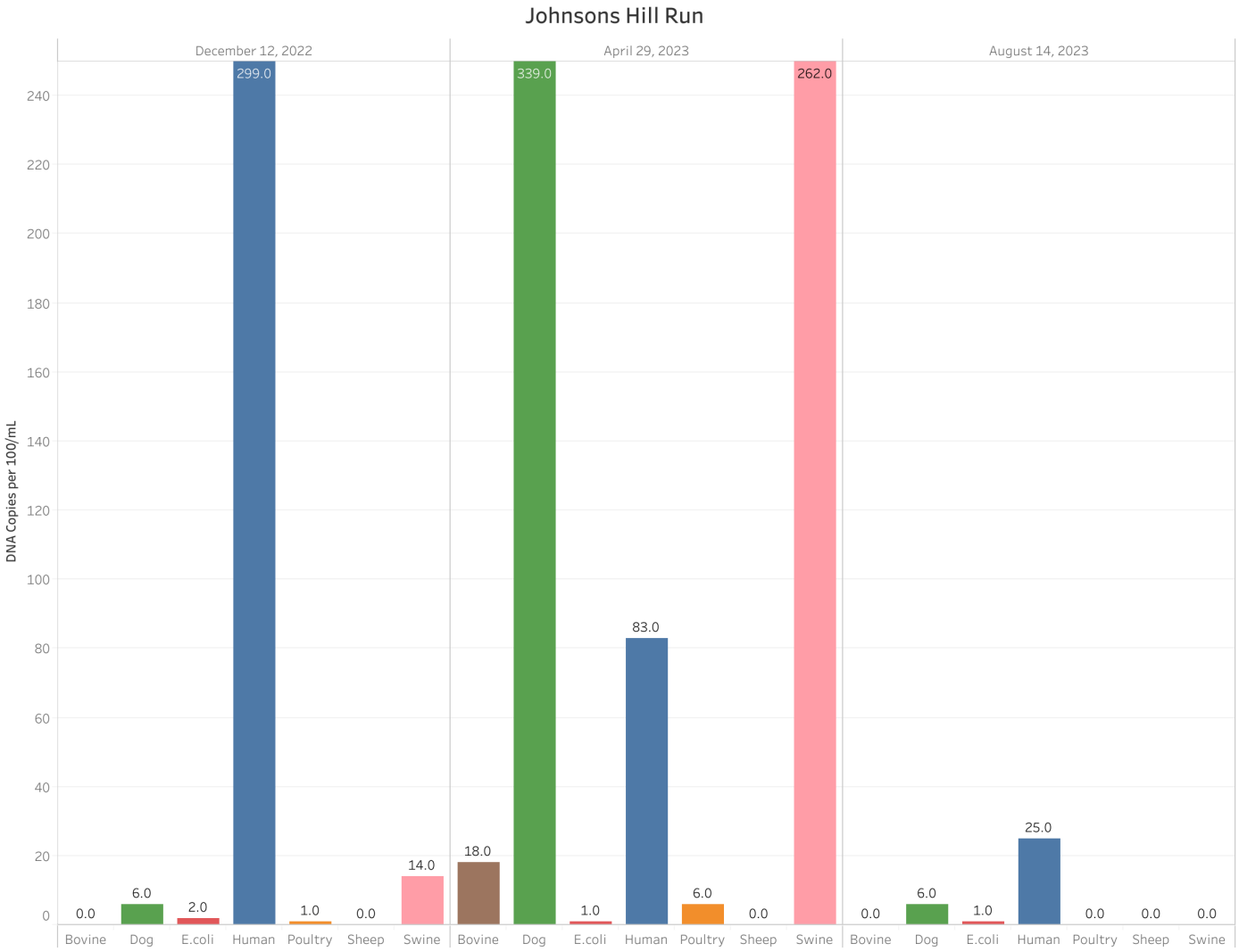
High levels of E. coli and human DNA markers in the December sample at Hog Run prompted a secondary sample (shown on the right) in April two miles upstream where it intersects Mission Road. The Mission Road sample shows an E. coli reading of just twenty-two percent of the 18 copies further downstream, and a human marker count of about one half. The difference indicates a human source closer to the Shenandoah River. The stream was too dry on August 14th to allow a sample to be taken.

Little Lake Run - 303(d) list Stream Code (WV-PS-21-A_01)



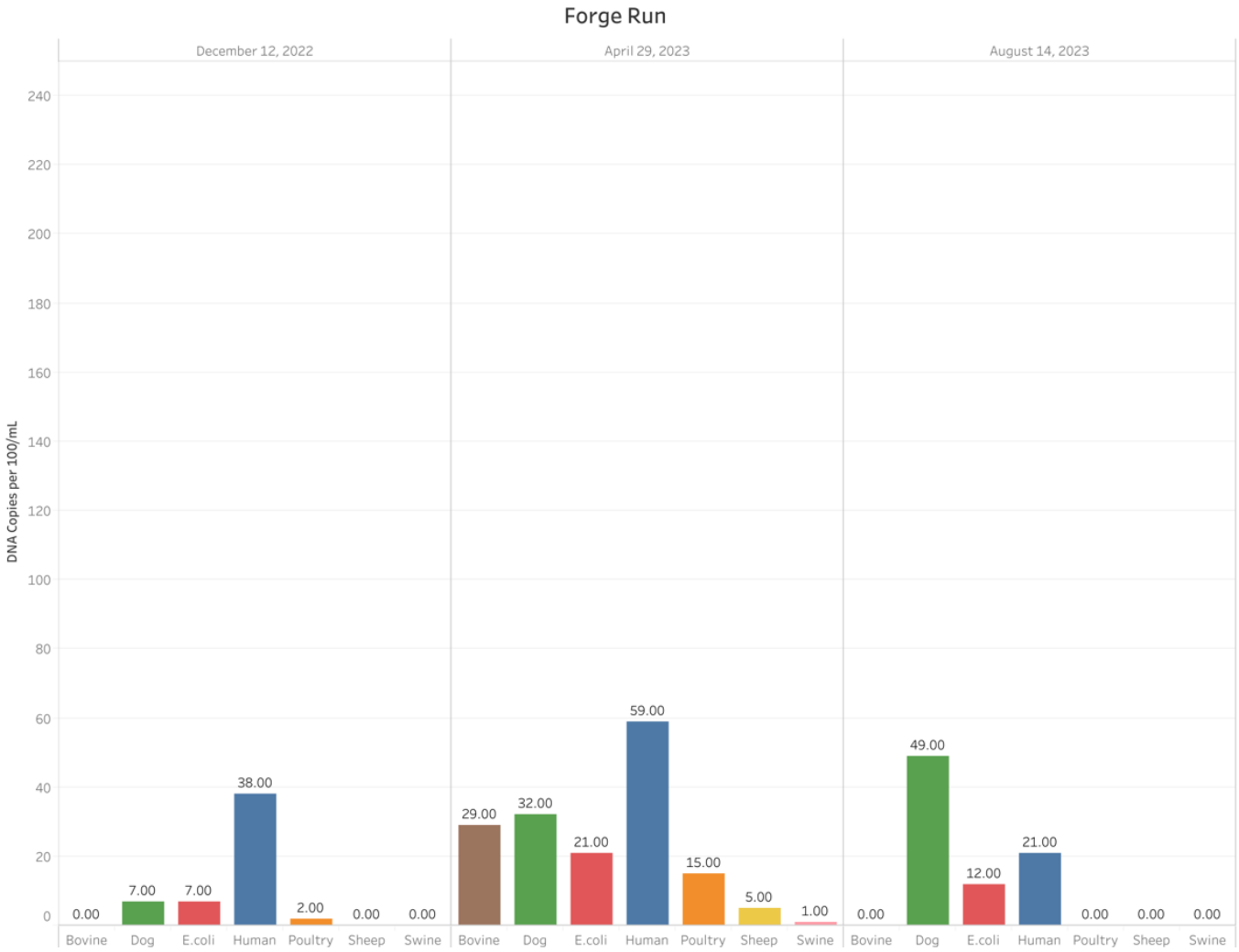
Monitoring over the past ten years has regularly shown high E. coli levels at Little Lake Run. A BRWC volunteer was hospitalized in 2015 with and infection thought to have resulted from contact in the stream. The extraordinary results from the August sample indicate a small farm source in the Shannondale community further up the Blue Ridge.

Johnson's Hill Run - 303(d) list Stream Code (WV-PS-19_01)



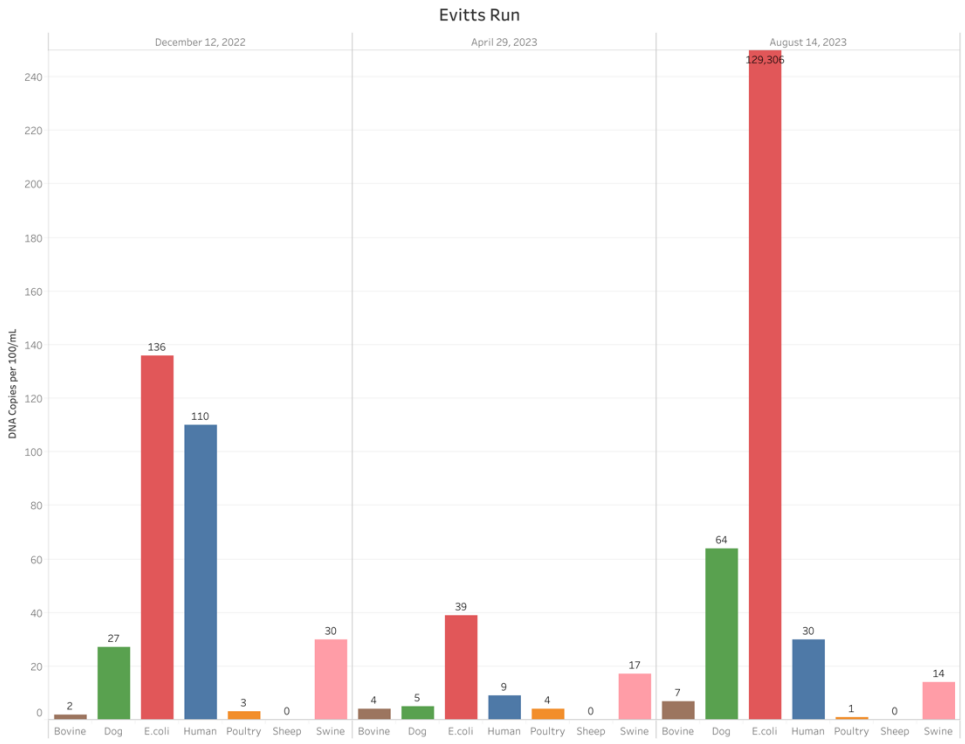
In late 2021 and into 2022 half a dozen pigs had been abandoned by their owner and were running loose in the "Gate 1" area of Shannondale that drains into Johnson's Hill Run. A community education campaign about the importance of managing pet waste might also be helpful with this watershed.

Forge Run - 303(d) list Stream Code (WV-PS-14_01)

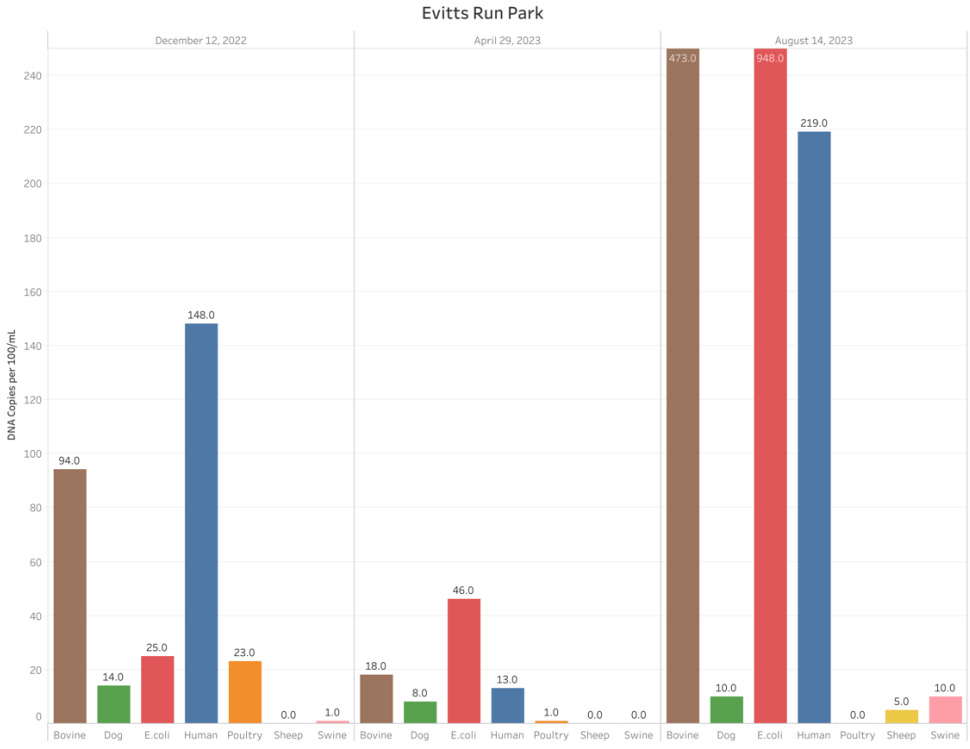


The Forge Run watershed appears to be influenced by both human and pet DNA. Septic system pumping and inspections as well as pet waste management campaigns may be beneficial.

Evitts Run - 303(d) list Stream Code (WV-PS-18_03)

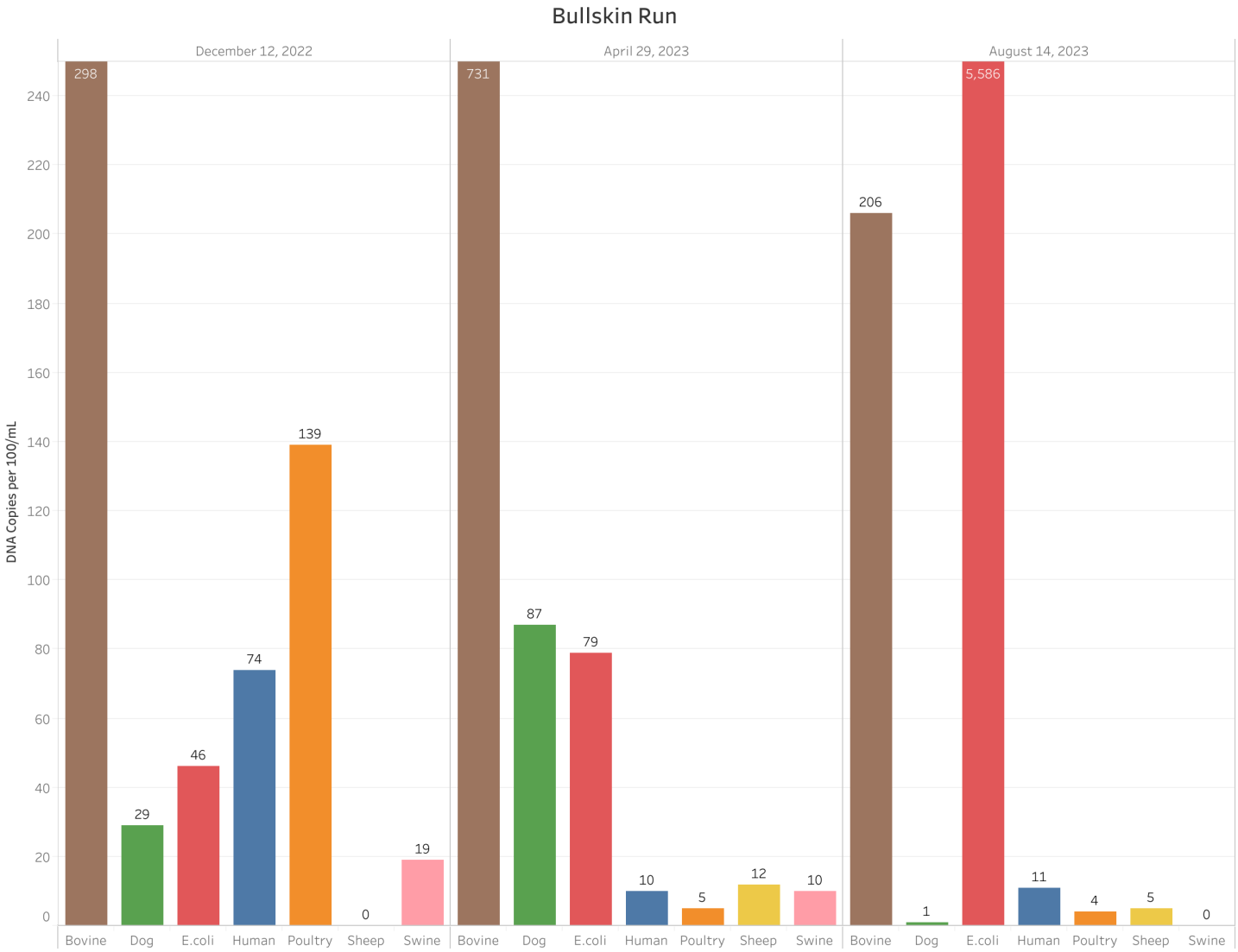


Evitts Run Park - 303(d) list Stream Code (WV-PS-18_02)



The Evitts Run shows a high level of human DNA as well as an unexpectedly high count for Bovine. The stream headwaters are in a more agricultural part of the county before it flows through Charles Town and receives effluent from two Charles Town treatment plants as well as the Cave Road plant. The 129,306-copy count for E. coli in the August sample at Evitts Run is alarmingly high.

Bullskin Run – 303(d) list Stream Code (WV-PS-25_02)



The Bullskin Run shows influences from human, poultry and pets but is primarily influenced by cattle.

BRWC Source Tracking Data		Copies per 100mL						
Sample Location	Date	E.coli	Human	Dog	Bovine	Swine	Poultry	Sheep
Hog Run	12/12/22	44	5994	15	0	1	31	0
Hog Run	4/29/23	18	41	10	2	0	1	0
Hog Run - Wilderness	4/29/23	4	19	4	0	0	0	0
Little Lake Run	12/12/22	6	20	14	0	0	0	0
Little Lake Run	4/29/23	86	22	23	0	0	1	0
Little Lake Run	8/14/23	3282	35	355	39049	7629	0	914
Johnson's Hill Run	12/12/22	2	299	6	0	14	1	0
Johnson's Hill Run	4/29/23	1	83	339	18	262	6	0
Johnson's Hill Run	8/14/23	1	25	6	0	0	0	0
Forge Run	12/12/22	7	38	7	0	0	2	0
Forge Run	4/29/23	21	59	32	29	1	15	5
Forge Run	8/14/23	12	21	49	0	0	0	0
Bullskin Run	12/12/22	46	74	29	298	19	139	0
Bullskin Run	4/29/23	79	10	87	731	10	5	12
Bullskin Run	8/14/23	5586	11	1	206	0	4	5
Evitts Run	12/12/22	136	110	27	2	30	3	0
Evitts Run	4/29/23	39	9	5	4	17	4	0
Evitts Run	8/14/23	129306	30	64	7	14	1	0
Evitts Run Park	12/12/22	25	148	14	94	1	23	0
Evitts Run Park	4/29/23	46	13	8	18	0	1	0
Evitts Run Park	8/14/23	948	219	10	473	10	0	5
GeoMean		49	48	18	2	1	1	0

Chart 2 - Full DNA data set

Partners and funding

Funding for the Bacteria Source Tracking project was provided by West Virginia Department of Environmental Protection AGO Non-Point Source Program. The required in-kind match was provided by an independent "Healing the Planet" grant from Giant Foods through Keep Pennsylvania Beautiful, and donated time and operating costs from BRWC. Table 1 provides the original proposed budget and Table 2 the actual costs for the AGO.

Table 1: Proposed costs

Budget Item	AGO Grant	In Kind	Nonfederal funds	Total
DNA Lab fees	$2,750.00		$625.00	$3,375.00
Shipping			$270.00	$270.00
Volunteer time		$945		$945.00
Total	$2,750.00	$945	$895.00	$4,590.00

Table 2: Actual costs

Budget Item	AGO Grant	In Kind	Nonfederal funds	Total
DNA Lab fees	$2,750.00		$930.00	$3,680.00
Shipping			$337.20	$337.20
Volunteer time		$945		$945.00
Total	$2,750.00	$945	$1267.20	$4,962.20

Expenditures

§319 Financial Report

Project:	Blue Ridge Watershed Coalition Bacteria Source Tracking Project		
NPS #:	NPS1815	Phone:	304-707-1954
Fiscal Year:	2023	Fax:	
E-mail:	JohnRMaxey@gmail.com		
Grantee:	Blue Ridge Watershed Coalition		
Contact:	John Maxey		
Reporting period:	10/01/22 (From)	08/31/23 (To)	
§319 grant funds awarded:	$2,750.00		

Items for match	Match $
DNA Source tracking lab fees - December 12, 2022	$310.00
DNA Source tracking lab fees - April 29, 2023	$310.00
DNA Source tracking lab fees - August 14, 2023	$310.00
Shipping	$337.20
Volunteer time for nine sites	$945.00
Totals	$2,212.20

Request for reimbursement(s) during period	Spent $
DNA Source tracking lab fees - December 12, 2022	$916.67
DNA Source tracking lab fees - April 29, 2023	$916.67
DNA Source tracking lab fees - August 14, 2023	$916.67
Totals	$2,750.01
Remaining Balance	($0.01)

Provide a list any businesses used in the project that qualify as DBEs.

DBEs			$
Totals:	$0.00		

Sources Cited

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Hynds, P.D., Thomas, M.K., Pintar, K.D. (2014). Contamination of groundwater systems in the US and Canada by enteric pathogens, 1990-2013: a review and pooled-analysis. PLoS One. 9(5):e93301. https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0093301

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U.S. Environmental Protection Agency. (2012). *Recreational Water Quality Criteria - U.S. Environmental Protection Agency*. Recreational Water Quality Criteria. https://www.epa.gov/sites/production/files/2015-10/documents/rwqc2012.pdf

Villa, P. (2010). Determination of Spring Water Quantity and Quality in the Karst System of. Jefferson County, West Virginia. Shepherdstown, WV. Shepherd University.

Wade, T. J., Sams, E., Brenner, K. P., Haugland, R., Chern, E., Beach, M., Wymer, L., Rankin, C. C., Love, D., Li, Q., Noble, R., & Dufour, A. P. (2010). Rapidly measured indicators of recreational water quality and swimming-associated illness at Marine Beaches: A prospective cohort study. *Environmental Health*, *9*(1). https://doi.org/10.1186/1476-069x-9-66

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-923: Jefferson County Commission Discussion

ATTACHMENTS:

- Letter_ City Council to County Commission.docx

Dear Commissioner,

We, the Charles Town City Council, urge you to set aside your differences and to move forward in appointing a representative to the Charles Town district seat of the Jefferson County Commission.

The residents of Charles Town are, without just cause, not being represented on the County Commission due to this prolonged vacancy since Claire Ath resigned in June of this year.

Internal politics and disputes between commissioners should not prevent Charles Town residents from being fully and equally represented on the County Commission.

Furthermore, the failure of the County Commission to hold regular meetings due to a lack of a quorum is jeopardizing official business, projects, and joint efforts across Jefferson County.

State law has set forth that a vacancy of a seat on a county commission shall be appointed within 15 days of the Executive Committee providing a slate of nominees. “Shall” indicates that the action is mandatory, and not permissive.

Nominees were selected on August 5, 2023. Since then, the County Commission has either refused to follow the procedure for appointment or failed to hold a meeting due to lack of a quorum. This is due to two commissioners intentionally and knowingly, without valid excuse, refusing to attend meetings.

We disagree with the assertion by some commissioners that the Charles Town district commission seat should remain vacant until the November 2024 general election. The process for filling the vacancy is clearly set forth in West Virginia Code 3-10-7 and there is no valid reason to disallow representation of Charles Town district residents.

This failure to appoint is a clear violation of state law and a violation of the rights to representation of the people of the Charles Town district.

Thus we, the Charles Town City Council, urge you to move forward with an appointment through the process laid out in West Virginia Code 3-10-7 lest further action need to be taken to compel you to fulfill your official duties.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Category: Appointment
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-927: Contractor Appeals Board Member Selection

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Category: Resolution
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-929: Food Truck Resolution Extension Discussion

ATTACHMENTS:

- MobileFoodVendingUpdateforCouncil10.2023.docx

City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414

Phone: (304) 725-2311 ♦ Web: www.charlestownwv.us

Mobile Food Vending Update

October 16, 2023

Five Approved Mobile Food Vendor Applications

- Makua's Shaved Ice
- Taste of Greece
- Papa's Chicken N Ribs
- Frid Rite
- FN Flatbreads

No public or business complaints received.

One issue involved a food truck parking on the wrong side of the road. The owner was addressed by Parking Enforcement and Planning Department.

Taste of Greece set up during the approved hours on Charles Street. Others set up during events.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-900: Code Enforcement - Executive Session item

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-928: Private Outdoor Designated Area (PODA) - Possible Executive Session

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-934: Payment of Bills - October 16, 2023

ATTACHMENTS:

- GENERAL FUND COUNCIL REPORT 2023 10 16.pdf
- PARKS & REC COUNCIL REPORT 2023 10 16.pdf
- PARKS & REC SPECIAL RUN 2023 10 16.pdf
- GEN FUND SPECIAL RUN 2023 10 16.pdf
- CAP RESERVE SPECIAL RUN 2023 10 16.pdf

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
201 W. WASHINGTON LLC	10/13/23	FY24-FIP 201 W WASHINGTON	GENERAL FUND	CONT/TRNSFR 2 OTHR FUN	5,000.00
				TOTAL:	5,000.00
ADVANTAGE TECHNOLOGY LLC	10/13/23	PD GATE KEYPAD REPLACEMENT	GENERAL FUND	POLICE DEPARTMENT	255.90
				TOTAL:	255.90
APPLE VALLEY WASTE SERVICE, INC.	10/13/23	TRASH SERVICE SEPTEMBER 20	GENERAL FUND	NON-DEPARTMENTAL	525.00
	10/13/23	TRASH SERVICE SEPTEMBER 20	GENERAL FUND	STREETS & HIGHWAYS	660.13
				TOTAL:	1,185.13
BOLAND TRANE SERVICES INC	10/13/23	OCT23 HVAC SER 661 GEORGE	GENERAL FUND	POLICE DEPARTMENT	457.00
				TOTAL:	457.00
CINTAS	10/13/23	LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	207.54
	10/13/23	LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	207.54
				TOTAL:	415.08
COMCAST CORPORATION	10/13/23	MAINT SHOP INTERNET 10/7-1	GENERAL FUND	STREETS & HIGHWAYS	95.30
				TOTAL:	95.30
CREAMERS AUTO SERVICE CENTER, LLC	10/13/23	CAR#25 STATE INSP/MOUNT TI	GENERAL FUND	POLICE DEPARTMENT	118.80
				TOTAL:	118.80
CHARLES TOWN UTILITY BOARD	10/13/23	661S GEORGE ST SER 8/15-9/	GENERAL FUND	NON-DEPARTMENTAL	90.24
	10/13/23	108N GEORGE ST 8/15-9/15/2	GENERAL FUND	CITY HALL	100.13
	10/13/23	105S GEORGE ST SERV 8/15-9	GENERAL FUND	CITY HALL	117.35
	10/13/23	661 WATER DELIVERY 9/15/23	GENERAL FUND	POLICE DEPARTMENT	119.86
	10/13/23	661S GEORGE ST SER 8/15-9/	GENERAL FUND	POLICE DEPARTMENT	183.20
	10/13/23	34N WATER ST 8/15-9/15/23	GENERAL FUND	STREETS & HIGHWAYS	138.05
	10/13/23	LABOR FOR CAR SHOW AND FLA	GENERAL FUND	FAIR ASSOC/FESTIVAL	654.34
				TOTAL:	1,403.17
DELTA DENTAL OF PENNSYLVANIA	10/13/23	NOV 2023 DENTAL PREMIUMS	GENERAL FUND	NON-DEPARTMENTAL	366.90
	10/13/23	NOV 2023 DENTAL PREMIUMS	GENERAL FUND	ECONOMIC DEVELOPMENT	22.18
	10/13/23	NOV 2023 DENTAL PREMIUMS	GENERAL FUND	TREASURER'S OFFICE	66.54
	10/13/23	NOV 2023 DENTAL PREMIUMS	GENERAL FUND	CITY CLERK'S OFFICE	22.18
	10/13/23	NOV 2023 DENTAL PREMIUMS	GENERAL FUND	ENFORCEMENT AGENCY	22.18
	10/13/23	NOV 2023 DENTAL PREMIUMS	GENERAL FUND	BUILDING INSPECTION	22.18
	10/13/23	NOV 2023 DENTAL PREMIUMS	GENERAL FUND	PLANNING & ZONING	66.54
	10/13/23	NOV 2023 DENTAL PREMIUMS	GENERAL FUND	CITY HALL	0.00
	10/13/23	NOV 2023 DENTAL PREMIUMS	GENERAL FUND	PARKING	22.18
	10/13/23	NOV 2023 DENTAL PREMIUMS	GENERAL FUND	POLICE DEPARTMENT	332.70
	10/13/23	NOV 2023 DENTAL PREMIUMS	GENERAL FUND	STREETS & HIGHWAYS	66.54
				TOTAL:	1,010.12
JONATHAN DESARNO	10/13/23	10/25-27 SRO TRAINING-MEAL	GENERAL FUND	POLICE DEPARTMENT	160.00
				TOTAL:	160.00
ECONO SIGNS LLC	10/13/23	25PK STOP SIGN	GENERAL FUND	STREETS & HIGHWAYS	540.00
	10/13/23	25PK STOP SIGN	GENERAL FUND	STREETS & HIGHWAYS	64.21
				TOTAL:	604.21
FIRST-CITIZENS BANK & TRUST CO	10/13/23	3RD FLOOR COPIER RENTAL OC	GENERAL FUND	CITY HALL	110.00
				TOTAL:	110.00
FRONTIER, INC.	10/13/23	CITY&PD PHONE SERV 10/4-11	GENERAL FUND	CITY HALL	1,519.09

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	10/13/23	RH-108N GEORGE 9/25-10/24	GENERAL FUND	CITY HALL	55.40
	10/13/23	CITY&PD PHONE SERV 10/4-11	GENERAL FUND	POLICE DEPARTMENT	1,519.08
	10/13/23	661 304-725-2381 SER9/24-1	GENERAL FUND	POLICE DEPARTMENT	68.41
	10/13/23	PD RINGDOWN 9/22/23-10/21/	GENERAL FUND	POLICE DEPARTMENT	55.18
				TOTAL:	3,217.16
GALLS, LLC	10/13/23	DAY- ENGRAVED BADGE	GENERAL FUND	POLICE DEPARTMENT	26.00
	10/13/23	BOUND- TROUSER BELT	GENERAL FUND	POLICE DEPARTMENT	32.15
				TOTAL:	58.15
JEFFERSON MEDICAL CENTER	10/13/23	9/1 BOUND- DIAGNOSTIC IMAG	GENERAL FUND	POLICE DEPARTMENT	77.00
				TOTAL:	77.00
JEFFERSON PUBLISHING COMPANY, INC.	10/13/23	9/27 NPH ROPER	GENERAL FUND	PLANNING & ZONING	32.34
	10/13/23	9/27 NPH FIP2023-05 WHITTE	GENERAL FUND	PLANNING & ZONING	27.74
	10/13/23	9/27 NPH SLD 2023-02	GENERAL FUND	PLANNING & ZONING	28.66
	10/13/23	9/27&10/4 NOTICE TAX ATTOR	GENERAL FUND	CITY HALL	48.50
				TOTAL:	137.24
LEXIPOL, LLC	10/13/23	POLICE ONE ACADEMY11/1/23-	GENERAL FUND	POLICE DEPARTMENT	1,498.88
				TOTAL:	1,498.88
MELISSA SEGURA	10/13/23	COURT TRANSLATOR 10/10/23	GENERAL FUND	POLICE DEPARTMENT	75.00
				TOTAL:	75.00
ORACLE ELEVATOR HOLDCO INC. DEPT# 9901	10/13/23	108N GEORGE MAIN SER8/23-1	GENERAL FUND	CITY HALL	536.31
				TOTAL:	536.31
POTOMAC EDISON COMPANY, INC.	10/13/23	RH 108N GEORGE SER 9/1-10/	GENERAL FUND	CITY HALL	176.38
				TOTAL:	176.38
PURCHASE POWER	10/13/23	POSTAGE REFILL 9/8/23	GENERAL FUND	CITY HALL	200.00
				TOTAL:	200.00
REVIZE LLC	10/13/23	PD WEBSITE DESIGN-REMAININ	GENERAL FUND	POLICE DEPARTMENT	2,700.00
				TOTAL:	2,700.00
SAFELITE	10/13/23	REPLACE WINDSHIELD CAR#9	GENERAL FUND	STREETS & HIGHWAYS	825.95
				TOTAL:	825.95
STAPLES ADVANTAGE	10/13/23	5 SURGE PROTECTORS	GENERAL FUND	PLANNING & ZONING	83.90
	10/13/23	LABELS/FILE HOLDER	GENERAL FUND	CITY HALL	39.92
	10/13/23	DATE STAMP/ COPY STAMP	GENERAL FUND	CITY HALL	30.88
	10/13/23	2 STAMPERS	GENERAL FUND	CITY HALL	49.98
				TOTAL:	204.68
STEPTOE & JOHNSON PLLC	10/13/23	LEGAL SERVICES AUGUST 2023	GENERAL FUND	CITY ATTORNEY	23,856.25
				TOTAL:	23,856.25
SUSTAINABLE STRATEGIES DC	10/13/23	SEPTEMBER23 BASE RETAINER	GENERAL FUND	CITY HALL	2,400.00
				TOTAL:	2,400.00
LYLE C TABB & SONS, INC.	10/13/23	BOX RENTAL FEES SEPTEMBER	GENERAL FUND	STREETS & HIGHWAYS	900.00
				TOTAL:	900.00
THE JOURNAL,MARTINSBURG	10/13/23	PT INSPECTOR JOB POST	GENERAL FUND	BUILDING INSPECTION	1,216.10

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	10/13/23	6/30/23 PERMIT TECH JOB PO	GENERAL FUND	PLANNING & ZONING	1,466.47
				TOTAL:	2,682.57
U.S. BANK	10/13/23	SEPT2023 CORP P-CARD PURCH	GENERAL FUND	NON-DEPARTMENTAL	8,172.95
	10/13/23	SEPT2023 GAS P-CARD PURCHA	GENERAL FUND	NON-DEPARTMENTAL	4,590.68
				TOTAL:	12,763.63
UNITED WAY OF THE EASTERN PANHANDLE, I	10/13/23	TEEN COURT FEES SEPTEMBER	GENERAL FUND	NON-DEPARTMENTAL	536.43
				TOTAL:	536.43
VISUAL COMPUTER SOLUTIONS, INC	10/13/23	RENEWAL DEC2023-NOV2024	GENERAL FUND	POLICE DEPARTMENT	2,486.60
				TOTAL:	2,486.60
VITAL SIGNS PLUS, INC.	10/13/23	TRUCK DECALS,EVENT PARKING	GENERAL FUND	STREETS & HIGHWAYS	130.00
	10/13/23	TRUCK DECALS,EVENT PARKING	GENERAL FUND	FAIR ASSOC/FESTIVAL	22.00
	10/13/23	TRUCK DECALS,EVENT PARKING	GENERAL FUND	FAIR ASSOC/FESTIVAL	304.00
	10/13/23	TRUCK DECALS,EVENT PARKING	GENERAL FUND	FAIR ASSOC/FESTIVAL	68.00
	10/13/23	TRUCK DECALS,EVENT PARKING	GENERAL FUND	FAIR ASSOC/FESTIVAL	153.00
				TOTAL:	677.00
WASTE MANAGEMENT	10/13/23	34N WATER ST TRASH SER 10/	GENERAL FUND	STREETS & HIGHWAYS	302.87
				TOTAL:	302.87

========== FUND TOTALS ==========	
001 GENERAL FUND	67,126.81
GRAND TOTAL:	67,126.81

TOTAL PAGES: 3

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-City of Charles Town
VENDOR: All
CLASSIFICATION: All
BANK CODE: Include: AP1
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 10/13/2023 THRU 10/13/2023

PAYROLL SELECTION

PAYROLL EXPENSES: NO
EXPENSE TYPE: N/A
CHECK DATE: 0/00/0000 THRU 99/99/9999

PRINT OPTIONS

PRINT DATE: Check Date
SEQUENCE: By Vendor Sort
DESCRIPTION: Item
GL ACCTS: NO
REPORT TITLE: COUNCIL REPORT
SIGNATURE LINES: 2

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT		AMOUNT
AC & T CO., INC	10/13/23	JMP PORTA POTTY SERV	PARKS & REC	PARKS & REC		265.00
					TOTAL:	265.00
CHRIS OTT	10/13/23	JR TENNIS TEAM JACKETS/SHI	PARKS & REC	PARKS & REC		140.00
	10/13/23	JR TENNIS TEAM JACKETS/SHI	PARKS & REC	PARKS & REC		50.00
					TOTAL:	190.00
CHARLES TOWN UTILITY BOARD	10/13/23	22 WATER ST SERV 8/15-9/15	PARKS & REC	PARKS & REC		55.41
	10/13/23	JMP WATER SER 8/15-9/15	PARKS & REC	PARKS & REC		418.02
					TOTAL:	473.43
FRONTIER, INC	10/13/23	JMP PHONE SERV OCTOBER 202	PARKS & REC	PARKS & REC		73.91
					TOTAL:	73.91
POTOMAC EDISON COMPANY, INC	10/13/23	JMP ELECTRIC SERV AUGUST 2	PARKS & REC	PARKS & REC		27.27
	10/13/23	JMP ELECTRIC SERV AUGUST 2	PARKS & REC	PARKS & REC		552.08
	10/13/23	JMP ELECTRIC SERV AUGUST 2	PARKS & REC	PARKS & REC		5.15
	10/13/23	JMP ELECTRIC SERV AUGUST 2	PARKS & REC	PARKS & REC		5.21
	10/13/23	JMP ELECTRIC SERV AUGUST 2	PARKS & REC	PARKS & REC		8.39
					TOTAL:	598.10

========== FUND TOTALS ==========

207	PARKS & REC	1,600.44
	GRAND TOTAL:	1,600.44

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET:	03-CT BOARD OF P&R
VENDOR:	All
CLASSIFICATION:	All
BANK CODE:	Include: PARK1
ITEM DATE:	0/00/0000 THRU 99/99/9999
ITEM AMOUNT:	99,999,999.00CR THRU 99,999,999.00
GL POST DATE:	0/00/0000 THRU 99/99/9999
CHECK DATE:	10/13/2023 THRU 10/13/2023

PAYROLL SELECTION

PAYROLL EXPENSES:	NO
EXPENSE TYPE:	N/A
CHECK DATE:	0/00/0000 THRU 99/99/9999

PRINT OPTIONS

PRINT DATE:	Check Date
SEQUENCE:	By Vendor Sort
DESCRIPTION:	Item
GL ACCTS:	NO
REPORT TITLE:	COUNCIL REPORT
SIGNATURE LINES:	2

PACKET OPTIONS

INCLUDE REFUNDS:	YES
INCLUDE OPEN ITEM:	NO

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
PARKS & REC CIP	10/16/23	FIX DEPOSIT ERROR	PARKS & REC	NON-DEPARTMENTAL	200.00
				TOTAL:	200.00

========== FUND TOTALS ==========

207	PARKS & REC	200.00
	GRAND TOTAL:	200.00

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET:	03-CT BOARD OF P&R
VENDOR:	All
CLASSIFICATION:	All
BANK CODE:	Include: PARK1
ITEM DATE:	0/00/0000 THRU 99/99/9999
ITEM AMOUNT:	99,999,999.00CR THRU 99,999,999.00
GL POST DATE:	0/00/0000 THRU 99/99/9999
CHECK DATE:	10/16/2023 THRU 10/16/2023

PAYROLL SELECTION

PAYROLL EXPENSES:	NO
EXPENSE TYPE:	N/A
CHECK DATE:	0/00/0000 THRU 99/99/9999

PRINT OPTIONS

PRINT DATE:	Check Date
SEQUENCE:	By Vendor Sort
DESCRIPTION:	Item
GL ACCTS:	NO
REPORT TITLE:	COUNCIL REPORT
SIGNATURE LINES:	2

PACKET OPTIONS

INCLUDE REFUNDS:	YES
INCLUDE OPEN ITEM:	NO

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
BOARD OF TRUSTEES OF THE POLICE PENSIO	10/16/23	DEPOSIT ERROR	GENERAL FUND	NON-DEPARTMENTAL	45.00
				TOTAL:	45.00
CHERYL PETERSON	10/16/23	10/8-10/11 ICCO CONFERCE R	GENERAL FUND	ENFORCEMENT AGENCY	94.88
	10/16/23	10/8-10/11 ICCO CONFERCE R	GENERAL FUND	ENFORCEMENT AGENCY	165.50
	10/16/23	10/8-10/11 ICCO CONFERCE R	GENERAL FUND	ENFORCEMENT AGENCY	45.00
				TOTAL:	305.38
DELAINE ENGLEBERT	10/16/23	REIMB- ICC CONFERENCE	GENERAL FUND	BUILDING INSPECTION	687.92
	10/16/23	REIMB- ICC CONFERENCE	GENERAL FUND	BUILDING INSPECTION	745.71
	10/16/23	REIMB- ICC CONFERENCE	GENERAL FUND	BUILDING INSPECTION	165.50
	10/16/23	REIMB- ICC CONFERENCE	GENERAL FUND	BUILDING INSPECTION	45.00
				TOTAL:	1,644.13
YALING CHEN	10/16/23	SIGN PERMIT REFUND	GENERAL FUND	NON-DEPARTMENTAL	25.00
				TOTAL:	25.00

========== FUND TOTALS ==========

001	GENERAL FUND	2,019.51
	GRAND TOTAL:	2,019.51

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET:	01-City of Charles Town
VENDOR:	All
CLASSIFICATION:	All
BANK CODE:	Include: AP1
ITEM DATE:	0/00/0000 THRU 99/99/9999
ITEM AMOUNT:	99,999,999.00CR THRU 99,999,999.00
GL POST DATE:	0/00/0000 THRU 99/99/9999
CHECK DATE:	10/16/2023 THRU 10/16/2023

PAYROLL SELECTION

PAYROLL EXPENSES:	NO
EXPENSE TYPE:	N/A
CHECK DATE:	0/00/0000 THRU 99/99/9999

PRINT OPTIONS

PRINT DATE:	Check Date
SEQUENCE:	By Vendor Sort
DESCRIPTION:	Item
GL ACCTS:	NO
REPORT TITLE:	COUNCIL REPORT
SIGNATURE LINES:	2

PACKET OPTIONS

INCLUDE REFUNDS:	YES
INCLUDE OPEN ITEM:	NO

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ADVANTAGE TECHNOLOGY LLC	10/16/23	TABLET DOCK STATION-CITY	CAPITAL RESERVE	GENERAL GOVERNMENT	222.25
	10/16/23	OCT 2023 MONTHLY AGREEMENT	CAPITAL RESERVE	GENERAL GOVERNMENT	2,037.15
	10/16/23	OCT 2023 MONTHLY AGREEMENT	CAPITAL RESERVE	GENERAL GOVERNMENT	1,510.40
	10/16/23	8/10/23 CITY TECH SERVICE	CAPITAL RESERVE	GENERAL GOVERNMENT	125.00
	10/16/23	8/8/23 TECH SERVICE PD	CAPITAL RESERVE	GENERAL GOVERNMENT	453.75
				TOTAL:	4,348.55

========== FUND TOTALS ==========

200	CAPITAL RESERVE	4,348.55
	GRAND TOTAL:	4,348.55

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET:	01-City of Charles Town
VENDOR:	All
CLASSIFICATION:	All
BANK CODE:	Include: CAP1
ITEM DATE:	0/00/0000 THRU 99/99/9999
ITEM AMOUNT:	99,999,999.00CR THRU 99,999,999.00
GL POST DATE:	0/00/0000 THRU 99/99/9999
CHECK DATE:	10/16/2023 THRU 10/16/2023

PAYROLL SELECTION

PAYROLL EXPENSES:	NO
EXPENSE TYPE:	N/A
CHECK DATE:	0/00/0000 THRU 99/99/9999

PRINT OPTIONS

PRINT DATE:	Check Date
SEQUENCE:	By Vendor Sort
DESCRIPTION:	Item
GL ACCTS:	NO
REPORT TITLE:	COUNCIL REPORT
SIGNATURE LINES:	2

PACKET OPTIONS

INCLUDE REFUNDS:	YES
INCLUDE OPEN ITEM:	NO

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-904: Charles Town Utility Board Meeting Minutes - September 20, 2023

ATTACHMENTS:

- 2023.09.20 UB MINUTES.pdf

Charles Town Utility Board
Special Board Meeting
September 20, 2023

The Charles Town Utility Board held a special meeting on September 20, 2023 at 4:00 P.M. Members of the Board present were John Nissel, Chairman; Duke Pierson, Vice Chairman; Tommy Stocks, Treasurer; Jeff Whitten, Board Member; and Heidi Parker, Board Member. Also present were Kristen Stolipher, Utility Manager; Ashley Stottlemyer, Secretary; Robert Rodecker, Legal Counsel; and Richard Lewis, Legal Counsel.

CALL TO ORDER

The Chairman called for a motion to call the meeting to order.

Action: **Motion made Mr. Pierson, second by Mr. Whitten, the Board unanimously called the meeting to order at 4:00 P.M.**

NEW BUSINESS

Proposed NPDES Permit Order - Possible Executive Session Under: WV State Code Section §6-9A-4(b)(12) – To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential.

Action: **Motion by Mr. Stocks, second by Mr. Whitten, the Board unanimously approved convening into Executive Session at 4:00 P.M. to discuss the proposed NPDES WV0022349 Permit Order.**

The City of Charles Town Mayor, Bob Trainor was invited to attend the executive session.

Executive session was over at 4:13 P.M.

Action: **Motion made by Mr. Whitten, second by Mr. Pierson, the Board unanimously approved authorizing the Chairman and Charles Town Mayor to execute the NPDES order as presented.**

INFORMATION ONLY

The next regular meeting is scheduled for Wednesday, September 27, 2023 at 4:00 P.M. at 661 S. George Street.

There being no further business at this time, the Board adjourned the meeting at 4:14 P.M.

John Nissel
Chairman

Ashley Stottlemyer
Secretary

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/16/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-930: Sustainable Strategies DC

ATTACHMENTS:

- Charles Town Council, Funding Status Powerpoint, October 2 2023.pptx
- Charles Town Funding Status October 2 2023.pdf

Leveraging Resources for City of Charles Town Revitalization



Presentation to Mayor, City Council & City Management

October 2, 2023

Overview of Presentation

- Renewed process for collaboration with City Management & Mayor/Council
- Funding Secured & Underway
- Pending Funding
- Potential Funding & Key Projects
- Recommendations on Next Steps



Collaboration Process Moving Forward

- Use the Resource Roadmap – lists 23 community projects, with 7 top priorities, and 40 separate funding sources
- November 2023 Council/Staff Retreat is opportunity to confirm & renew priorities and key next steps
- Monthly Meetings with City Manager Nissel & key staff now set
- Grants Chart to be maintained with/for staff moving forward
- S2 Spotlight newsletter and S2 Client Alerts ongoing

Funding Secured – $2,550,000 in Earmarks

- FY22 Congressionally Directed Grants:
  - $250,000 HUD EDI for "Charles Town Revive" (no match) (on the verge of pulling down now)
  - $500,000 to Friends of Happy Retreat for buildings ($500k match) (ready for implementation)
- FY23 Congressionally Directed Grants
  - $400,000 COPS Law Enforcement Technology (no match) (just awarded)
  - $1,400,000 FHWA Grant for Augustine Trail ($350,000 match) (available for project)

Funding Secured – $2,918,674 in Grants

- $250,000 National Park Service LWCF for Jefferson Memorial Poolhouse – today! ($250k match)
- $660,000 U.S. DOT/WV DOT TAP Grants – Nearly ready for implementation ($175k match)
- $511,229 U.S. DOT/WV DOT TAP Grant – To be pulled down and implemented ($127,807 match)
- $125,000 DOJ COPS Hiring to support officer – pulled down (no match)
- $1,200,000 from HUD HOME ARPA grant funding for JCCM Homeless Center – soon to be announced) (no match)
- $172,445 Chesapeake Bay Foundation, Green Towns-Green Streets-Green Jobs Grant – in process of being pulled down now (matched with other resources already secured or pending)

Funding Pending – $1,705,774

- $305,774 in U.S. DOT/WV DOT TAP Grant for Liberty Street Upgrade (matched with other available resources, announcements expected this Fall 2023)
- $1,000,000 HUD EDI earmark pending in FY2024 bills, for JCCM Homeless Center (no match) (expect law by end of 2023, funding 6 months later)
- $300,000 HHS earmark pending in FY2024 bills, for JCCM Homeless Center medical-dental clinic with WVU Medicine (no match) (expect by end of 2023, funding 6 months later)
- $100,000 HUD EDI earmark to Charles Town Library for Webb-Blessing House upgrades & reuse plan (no match)
- Note another $1,718,000 pending for FY24 earmarks in Charles Town for Fisherman's Hall, Old Opera House, Community Markets, and 44 College Ready Foundation

Key Next Projects & Opportunities

- Seek $500,000 LWCF Grant to support Jefferson Memorial Pool upgrade (50% or more match, due November 1)
- $500,000 Friends of Happy Retreat, congressionally-directed project match from Office of the WV Governor; and funding for exterior grounds upgrades from WV Arts-Cultural Facilities Grant, LWCF
- Funding for design-engineering of N. Charles Festival Street (TAP Grant, FY25 Earmark, Appalachian Regional Commission area-wide development grant)
- MLK Boulevard/West Washington Upgrade (RAISE Grant, Reconnecting Communities Grant, WV DOH funding, Fy25 earmark)
- HUBZone activation of downtown vacant buildings with Jefferson County Development Authority (SBA grant or FY25 earmark)
- APUS Depot District

Recommendations for Focus & Action

- Make determinations on Augustine Trail Phase 3 priorities
- Use tools at hand to transform large, vacant buildings & lots into downtown economic development opportunities
- Focus on delivery on current funding
- DC & Charleston Advocacy Visits
- Shovels & Scissors – with effective community outreach!

Q&A / Discussion

Matt Ward
Sustainable Strategies DC
Matt.Ward@StrategiesDC.com
www.StrategiesDC.com



Thank you!

Charles Town Funding Status & Recommendations

Presentation to Mayor, City Council, and City Management
October 2, 2023

Matt Ward
Sustainable Strategies DC

Funding Secured – $2,550,000 in earmarks, $2,918,674 in grants (Total = $5,468,674)

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Next Opportunities

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