

Chapter 143

SEWERS

[HISTORY: Adopted by the Town Council of the Town of Pennington Gap as indicated in Part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Water — See Ch. 175.

Part 1

Sewer Use

[Adopted 5-10-1994]

ARTICLE I

General Provisions

§ 143-1. Purpose.

The purpose of this Part 1 is to provide for the maximum possible beneficial use of the Town of Pennington Gap (Town) treatment works through regulation of sewer construction, sewer use; and wastewater discharges; to provide for equitable distribution of the costs of the treatment works; and to provide procedures for complying with the requirements contained herein.

§ 143-2. Scope.

- A. The definitions of terms used in this Part 1 are found in Article II. The provisions of this Part 1 shall apply to the discharge of all wastewater to treatment works of the Town. This Part 1 provides for use of the Town's treatment works, regulation of sewer construction, control of the quantity and quality of wastewater discharged, wastewater pretreatment, equitable distribution of costs, assurance that existing customers' capacity will not be preempted, approval of sewer construction plans, issuance of user permits, minimum sewer connection standards and conditions, and penalties and other procedures in cases of violation of this Part 1.
- B. This Part 1 shall apply to the Town and to persons who are, by contract, permit or agreement with the Town, users of the Town's treatment works.
- C. Construction and interpretation. These regulations shall be liberally construed to effect their purpose and policy and, wherever possible, shall be construed in a manner that is consistent with the intent and practice of this Town and all applicable laws, rules and regulations of the Commonwealth of Virginia and the United States of America.
- D. Authorization. These regulations are authorized and required by Chapter 77, Act of the Virginia General Assembly, 1960, and by the Federal Water Pollution Control Act as amended, also known as the "Clean Water Act" (33 USC 1851 et seq.) and regulations issued thereunder.

§ 143-3. Administration.

Except as otherwise provided herein, the director of the Town's treatment works shall administer, implement, and enforce the provisions of this Part 1.

§ 143-4. Fees and charges.

- A. All fees and charges payable under the provisions of this Part 1 shall be paid to the Town. Such fees and charges shall be as set forth herein or as established in Part 2 of this chapter, as amended.
- B. All user fees, penalties and charges collected under this Part 1 and Part 2 of this chapter shall be used for the sole purpose of constructing, operating or maintaining the treatment works of the Town, or the retirement of debt incurred for same.
- C. All fees and charges payable under the provisions of this Part 1 are due and payable upon the receipt of notice of charges. Unpaid charges shall become delinquent and shall be subject to penalty and interest charges as provided for in Part 2 of this chapter, as amended.

§ 143-5. Inspections.

- A. The Director or person authorized by the Town or authorized state or federal officials, bearing the proper credentials and identification, shall be permitted to enter all premises where an effluent source or treatment system is located at any reasonable time for the purposes of inspection, observation, measurement, and sampling of the wastewater discharge to ensure that discharge to the treatment works is in accordance with the provisions of this Part 1.
- B. The Director, bearing proper credentials and identification, shall be permitted to enter all private property through which the Town holds an easement for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of any of the Town's treatment works lying within the easement. All entry and any subsequent work on the easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.
- C. While performing any necessary work on private properties referred to in Subsections A and B above, the Director shall observe all safety procedures applicable to the premises.

§ 143-6. Vandalism.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the Town's treatment works. Any person who violates this section shall be persecuted under applicable state and local laws.

§ 143-7. Amendments.

Proper notice shall be given in accordance with applicable provisions of the Town Charter, state and federal law, prior to adoption of any amendments of this Part 1.

ARTICLE II

Definitions

§ 143-8. Specific definitions.

Unless the context of usage indicates otherwise, the meaning of specific terms in this Part 1 shall be as follows:

ACT —% The Federal Clean Water Act, 33 USC 1251 et seq.

APPROVAL AUTHORITY —% The Executive Director or Director of the State Water Control Board.

ASTM —% The American Society for Testing and Materials.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER

A. A principal executive officer of at least the level of vice president, if the industrial user is a corporation; or

B. A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively; or

C. A duly authorized representative of the individual designated in Subsection A or B above, if such representative is responsible for the overall operation of the facility from which the discharge to the POTW originates. The authorization must be submitted to the Director prior to or together with any reports to be signed by the authorized representative.

BOD (BIOCHEMICAL OXYGEN DEMAND) —% The quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING SEWER —% The extension from a building wastewater plumbing facility to the treatment works.

COMBINED SEWER —% A sewer intended to receive both wastewater and storm- or surface water.

COMPATIBLE POLLUTANTS —% Wastewater constituents which the wastewater treatment plant is designed to treat, and wastewater substances which will not inhibit the wastewater treatment processes employed or will not pass through the treatment plant substantially untreated or be otherwise detrimental to the receiving stream.

CONNECTION —% Any point of discharge, directly or indirectly, including all collector systems, into the Town's sewerage system by, but not limited to, conduits, lines, pipes, force mains and pump stations.

CONSTITUENT —% Any analytically defined perimeter of wastewater.

COSTS —% All items of expense, direct or indirect, including overhead and general administrative items.

DAY —% The twenty-four-hour period beginning at 12:01 a.m.

DISCHARGER —% A person or persons, firm, county or municipality, company, industry or other similar sources of wastewater who or which introduces such into the POTW.

DOMESTIC WASTES —% The waste produced from noncommercial or nonindustrial activities, and which result from normal human living processes, which are of substantially similar origin and strength to those typically produced in households, including wastes from sanitary conveniences.

EASEMENT —% An acquired legal right for the specific use of land owned by others.

EFFLUENT —% Wastewater flowing out of any facility designed to treat, convey or retain wastewater.

EPA —% The United States Environmental Protection Agency.

GARBAGE —% The solid animal and vegetable wastes resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking, and serving of foods.

GRAB SAMPLE —% A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time, but shall reasonably reflect actual discharge conditions for that period of time.

GROUNDWATER —% Water below the surface of the earth.

HOLDING TANK WATER —% Wastewater from any tank, vessel, vehicle, pond or other devices whose primary purpose is to contain and/or store wastewater.

INDUSTRIAL USER or SIGNIFICANT DISCHARGER —% A source of indirect discharge, or a nondomestic discharge to a treatment works. (See also “significant industrial user”).

INDUSTRIAL WASTEWATER —% All water-carried waste and wastewater of the community, excluding domestic wastewater, and shall include all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operations from which the wastewater discharged includes wastes of nonhuman origin, and is not otherwise classified as domestic wastewater.

INTERFERENCE —% An inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, which clearly causes, in whole or in part, a violation of any requirement of the POTW's VPDES permit, including those discharges that prevent the use or disposal of sludge by the POTW in accordance with any federal or state laws, regulations, permits or sludge management plans.

LEACHATE —% A solution or product obtained by leaching, i.e., liquid that has passed through or originated in landfill garbage and is collected as runoff.

MANAGER —% The Town of Pennington Gap or designee.

MAXIMUM PERMISSIBLE CONCENTRATION —% The highest allowable constituent concentration contained in a direct or esdirect discharge into the sewerage system.

MAY; SHALL —% “May” is permissible; “shall” is mandatory.

NATURAL OUTLET —% Any outlet into a watercourse, pond, ditch, lake, or any other body of surface or groundwater.

NUISANCE —% Anything which is determined by the Town to be injurious to health, or is unreasonably offensive to the senses, or any unreasonable obstruction to the use of property, so as to unreasonably interfere with the comfort or enjoyment of life or property, whether it affects an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

O&M —% Operation and maintenance.

OVERLOAD —% The imposition of any constituent or hydraulic loading on a treatment or conveyance facility in excess of its design and/or legally authorized capacity.

OWNER —% The person or persons who legally own, lease, or occupy private property with wastewater facilities which discharge, or will discharge, to the Town's treatment works.

PARTICIPANT —% A local government user of the Town's system.

PASS-THROUGH —% The discharge of pollutants through a POTW into state waters in quantities or concentrations which are a cause, in whole or in part, of a violation of any requirement of the POTW's VPDES permit, including an increase in the magnitude or duration of a violation.

PERMIT —% An industrial wastewater discharge permit issued pursuant to these regulations.

PERSON —% Any individual, firm, company, association, society, partnership, corporation, municipality, or other similar organization, agency, or group.

pH —% The logarithm of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution as determined by Standards Methods.

POTW (PUBLICLY OWNED TREATMENT WORKS) —% Any sewage treatment works that is owned by a state or municipality. Sewers, pipes, or other conveyances are included in this definition only if they convey wastewater to a POTW providing treatment.

PRE-TREATMENT —% The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to discharge to the Town of Pennington Gap's treatment works.

PRE-TREATMENT STANDARD —% Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users.

PROPERLY SHREDDED GARBAGE —% Garbage that has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in the treatment works, with no particle greater than 1/2 inch in any dimension.

RADIOACTIVE MATERIAL —% Material containing chemical elements that spontaneously change their atomic structure by emitting any particles or rays.

REGULATIONS —% This series of regulations contained herein, or any individual regulation or subsection thereof.

RESIDENTIAL USER (CLASS I) —% All premises used only for human residency and which are connected to the treatment works.

SANITARY WASTEWATER —% Wastewater discharged from sanitary conveniences of dwellings, office buildings, industrial plants, or institutions.

SECTION —% A section of these regulations.

SEPTIC TANK WASTE —% Wastewater from septic tank treatment systems.

SEWAGE —% The water-carried wastes created in, or to be carried away from, residences, hotels, schools, hospitals, industrial establishments, commercial establishments, or any other private or public building, together with such industrial wastes as may be present. Sewage is included in the term "wastewater" as defined below.

SEWER —% A pipe or conduit, generally closed, for carrying wastewater.

SEWERAGE SYSTEM —% A network of wastewater collection, conveyance, treatment and disposal facilities interconnected by sewers and connecting, directly or indirectly, to the outfall sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extensions, improvements, remodeling, additions, and alterations thereof; and any work, including the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

SIGNIFICANT INDUSTRIAL USER

- A. Has a process wastewater flow of 25,000 gallons or more per average workday (excludes sanitary, noncontact cooling and boiler blowdown wastewater);

- B. Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW;
- C. Is subject to categorical pretreatment standards; or
- D. Has significant impact, either singularly or in combination with other significant dischargers, on the treatment works or the quality of its effluent.

STANDARD METHODS —% The latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, Water Pollution Control Federation and American Water Works Association.

STATE —% The Commonwealth of Virginia.

STORM SEWER —% A sewer for conveying storm-, surface, and other waters, which is not intended to be transported to a treatment works.

STORMWATER —% Any sewer which carries storm- and surface waters and drainage.

SURFACE WATER —% Water which occurs when the rate of precipitation exceeds the rate at which water may infiltrate into the soil.

SUSPENDED SOLIDS —% The total suspended matter that either floats on the surface of, or is in suspension in, water or wastewater as determined by Standard Methods.

TOWN —% The Town of Pennington Gap, Virginia.

TOXIC DISCHARGE —% Any substance, whether gaseous, liquid, or solid, which when discharged to the sewer system in sufficient quantities interferes with any sewage treatment process, materially increases the cost of treatment, constitutes a hazard to any beneficial use, including recreation, ascribed to the receiving waters of the effluent from the sewage treatment plant or facility, causes a hazard to any portion of the sewerage system, constitutes a hazard to living organisms, or interferes with sludge disposal.

TOXICS —% Any of the pollutants designated by federal regulations pursuant to Section 307(a)(1) of the Act.

TRADE SECRETS —% Include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate or produce a compound, an article of trade, or a service having commercial value, and which gives its users an opportunity to obtain a business advantage over competitors who do not know or use it.

TREATMENT FACILITY —% Only those mechanical power-driven devices necessary for the transmission and treatment of pollutants (e.g., pump stations, unit treatment processes.)

TREATMENT WORKS —% Any devices and systems used for the storage, treatment, recycling and/or reclamation of sewage or liquid industrial waste, or other waste necessary to recycle or reuse water, including intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions, or alterations; and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system used for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined sewer, water and sanitary sewer systems.

UNPOLLUTED WATER —% Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to any person having jurisdiction thereof for disposal to storm or natural drainage or directly to surface waters.

UNUSUAL WASTEWATER —% Water suitable for direct discharge to state waters which traditionally has not been discharged to the sanitary sewer.

USER —% A source of wastewater discharge into a POTW.

USER PERMIT —% A document issued by the POTW to the user that permits the connection and/or introduction of wastes into the treatment works under the provisions of this Part 1.

VPDES —% Virginia Pollutant Discharge Elimination System permit program, as administered by the Commonwealth of Virginia.

WASTEWATER —% A combination of liquid and water-carried wastes from residences, commercial buildings, industries, and institutions, together with any groundwater, surface water, or stormwater that may be present.

WPCF —% The Water Pollution Control Federation.

§ 143-9. General definitions.

Unless the context of usage indicates otherwise, the meaning of terms in this Part 1 and not defined in § 143-8 above shall be as defined in the Glossary: Water and Wastewater Control Engineering prepared by Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association, and Water Pollution Control Federation, Copyright 1969.

ARTICLE III

Use of Treatment Works and Treatment Facility

§ 143-10. Waste disposal.

It shall not be permitted for any person to place, deposit, or allow to be deposited in any condition that may be considered as an unsanitary or unhygienic manner on public or private

property within the Town's service area any human or animal excrement, garbage, or other objectionable waste.

§ 143-11. Wastewater discharges.

It shall be unlawful under state and federal law to discharge without a VPDES permit to any natural outlet within the Town's treatment area or in any area under its jurisdiction. Wastewater discharges to the Town's treatment works are not authorized unless permitted by the Manager in accordance with provisions of this Part 1.

§ 143-12. Wastewater disposal.

Except as provided in this Part 1, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

§ 143-13. Connection to treatment works required.

- A. The owner of any house, building or property which is used for commercial, industrial and/or residential purposes, abutting on any street, alley, or right-of-way in which there is or may be located a sewer connected to the treatment works of the Town, is required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities to the proper sewer in accordance with the provisions of this Part 1.
- C. This section shall not apply to any person serviced by a privately constructed, owned, operated and maintained sewer and treatment facility which discharges directly to a natural outlet in accordance with the provisions of this Part 1 and applicable state and federal laws.

ARTICLE IV

Building Sewers and Connections

§ 143-14. Connection permit.

- A. No person or entity shall uncover, make any connection with, use, alter, or disturb any wastewater sewer without first obtaining written permission from the Manager. Connections to the collector systems of the Town shall be by permission of the proper official and in accordance with this Part 1.
- B. There shall be required a permit for connections to the Town's treatment works and treatment facilities.
- C. Class II Industrial. In all cases the owner shall make application for a permit to connect to the Town's treatment works on a form furnished by the Town. The permit application shall be supplemented by wastewater information required to administer this Part 1. A permit and inspection fee of actual cost for a Class II connection permit shall be paid to the Town at the time the application is filed.

§ 143-15. Connection costs; indemnification of Town.

The costs and expenses incidental to the building sewer installation and connection to the Town's treatment works shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

§ 143-16. Separate connections required.

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building and the whole considered as one building sewer. The Town assumes no obligation or responsibility for damage caused by or resulting from any single building sewer which serves two buildings.

§ 143-17. Existing building sewers.

Existing building sewers may be used for connection of new buildings only when they are found, on examination and test by the Manager, to meet the requirements of this Part 1.

§ 143-18. Building sewer design.

The size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placement, jointing and testing methods used in the construction and installation of a building sewer shall conform to the building and plumbing code or other applicable requirements of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF shall apply.

§ 143-19. Building sewer elevation.

Whenever practicable, the building sewer shall be brought to a building at an elevation below the basement floor. In buildings in which any building drain is too low to permit gravity flow to the Town's treatment works, wastewater carried by such building drain shall be lifted by approved means and discharged to a building sewer draining to the Town sewer.

§ 143-20. Surface runoff and groundwater drains.

- A. No person shall connect roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains to any sewer which is connected to a treatment works unless such connection is authorized in writing by the Manager. The connection of such drains shall conform to codes specified in § 143-21 or as specified by the Manager as a condition of approval of such connection.
- B. Except as provided in Subsection A above, roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains shall discharge to natural outlets or storm sewers.

- C. All participants or other governmental entities having collector systems discharging into the Town's treatment plant facilities shall implement an ongoing program of I/I abatement.

§ 143-21. Conformance to applicable codes.

The connection of a building sewer into a treatment works shall conform to the requirements of the building and plumbing code or other applicable requirements of the Town, or the procedures set forth in appropriate specifications of the Commonwealth of Virginia Sewerage Regulations, Uniform Building Code of Virginia, and American Society of Testing Materials. The connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the Manager before installation.

§ 143-22. Connection inspection.

The applicant for a building sewer or other drainage connection permit shall notify the Manager when such sewer or drainage connection is ready for inspection prior to its connection to the Town's treatment works. Such connection inspections and testing as deemed necessary the Manager shall be made by the Manager. In the case of a connection to a participant's collector system an inspection shall be made by the Building Inspector or other authorized official.

§ 143-23. Excavation protection; property restoration.

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

§ 143-24. Protection of capacity for existing users.

The Manager shall not issue a permit for any class of connection to the Town's treatment works or treatment facilities unless there is sufficient capacity, not legally committed to other users, in the treatment works or treatment facilities to convey and adequately treat the quantity of wastewater which the requested connection will add to the treatment works or treatment facility. The Manager may permit such a connection if there are legally binding commitments to provide the needed capacity.

ARTICLE V

Conditions on Use of Treatment Works

§ 143-25. Special use of treatment works.

All discharges of stormwater, surface water, groundwater, roof runoff, subsurface drainage, or other waters not intended to be treated in the treatment facility shall be made to storm sewers or natural outlets designed for such discharges, except as authorized under Article IV, § 143-20. Any connection, drain, or arrangement which will permit any such waters to enter any other sewer shall be deemed to be a violation of this section and this Part 1.

§ 143-26. General prohibition upon industrial users.

An industrial user shall not introduce any pollutants into the Town's treatment works which will pass through or interfere with the operation or performance of the treatment facilities.

§ 143-27. Restricted discharges.

- A. No person shall discharge or cause to be discharged to any of the Town's treatment works any substances, materials, waters, or wastes in such quantities or concentrations which do or are likely to:
- (1) Create a fire or explosion hazard, including, but not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
 - (2) Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater facilities, but in no case discharges with the following properties: having a pH lower than 5.0 or greater than 9.0. These requirements may be modified for treatment works and treatment facilities designed to accommodate greater ranges;
 - (3) Cause obstruction to the flow in sewers, or other interference with the operation of treatment facilities due to accumulation of solid or viscous materials;
 - (4) Constitute a rate of discharge or substantial deviation from normal rates of discharge ("slug discharge") sufficient to cause interference in the operation and performance of the treatment facilities;
 - (5) Contain heat in amounts which are likely to accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the treatment works or inhibit biological activity in the treatment facilities, but in no case shall the discharge of heat cause the temperature in the Town wastewater sewer to exceed 58° C (150° F) or the temperature of the influent to the treatment facilities to exceed 40° C (104° F) unless the facilities can accommodate such heat and the Town has obtained prior approval from the approval authority;
 - (6) Contain more than 100 milligrams per liter of non-biodegradable oils of mineral or petroleum origin;
 - (7) Contain floatable oils, fat, or grease;
 - (8) Contain noxious, malodorous gas or substance which is present in quantities that create a public nuisance or a hazard to human or animal life;
 - (9) Contain radioactive wastes in harmful quantities as defined by applicable state and federal regulations;
 - (10) Contain any garbage that has not been properly shredded; or any trucked or hauled pollutants, except at discharge points designated by the POTW.
 - (11) Any pollutants inducing oxygen demanding pollutants (BOD, etc.) release at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than 15 minutes more than five times the average twentyfour-hour concentration, qualities, or flow during normal operation.

(12) Contain any odor- or color-producing substances exceeding concentration limits which may be established by the Manager for purposes of meeting the Town's VPDES permit.

- B. If, in establishing discharge restrictions, discharge or pretreatment standards pursuant to this article, the Manager establishes concentration limits to be met by a user, the Manager, in lieu of concentration limits, may establish mass limits of comparable stringency for an individual user at the request of such user. Upon approval by the state such limits should become pretreatment standards. In addition, the Manager may require such remedies as grease traps or screens, at his discretion, to prevent harmful discharges.

§ 143-28. Categorical pretreatment standards.

- A. No person shall discharge or cause to be discharged to any treatment works wastewater containing substances subject to an applicable categorical pretreatment standard promulgated by the EPA in excess of the quantity prescribed in such applicable pretreatment standards except as otherwise provided in this section. Compliance with such applicable pretreatment standards shall be within three years of the date the standard is promulgated; provided, however, that compliance with a categorical pretreatment standard for new sources shall be required upon commencement of discharge to the treatment works.
- B. The Manager shall notify any industrial user affected by the provisions of this section and establish an enforceable compliance schedule for each.
- C. No person shall discharge trucked hazardous wastes to the Town's treatment works.

§ 143-29. Special agreements.

Nothing in this article shall be construed as preventing any agreement or arrangement between the Town and any user of the treatment works and treatment facility whereby wastewater of unusual strength or character (only in terms of BOD and/or suspended solids) is accepted into the system and specially treated subject to additional payments or user charges as may be applicable.

§ 143-30. Water and energy conservation.

The conservation of water and energy shall be encouraged by the Manager. In establishing discharge restrictions upon users, the Manager shall take into account already implemented or planned conservation steps revealed by the user. Upon request of the Executive Manager each user will provide the Manager with pertinent information showing that the quantities of substances or pollutants have not been and will not be increased as a result of the conservation steps. Upon such a showing to the satisfaction of the Manager, he shall make adjustments to discharge restrictions, which have been based on concentrations to reflect the conservation steps.

§ 143-31. Excessive discharges.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the

limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Town or state.

§ 143-32. Accidental discharges.

- A. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Part 1. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Town for review, and shall be approved by the Town before construction of the facility. No user who commences contribution to the POTW after the effective date of this Part 1 shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Town. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Part 1. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include the location of the discharge, type of waste, concentration and volume, and corrective actions.
- B. Within five days following an accidental discharge, the user shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the treatment works and treatment facility, fish kills, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable laws.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedures.

ARTICLE VI

Industrial Dischargers

§ 143-33. Information requirements.

- A. All industrial dischargers shall file with the Town wastewater information deemed necessary by the Manager for determination of compliance with this Part 1, the Town's VPDES permit conditions, and state and federal law. Such information shall be provided by completion of a questionnaire designed and supplied by the Executive Manager and by supplements thereto as may be necessary. Information requested in the questionnaire and designated by the discharger as confidential is subject to the conditions of confidentiality as set out in Subsection C of this section.
- B. Where a person owns, operates or occupies properties designated as an industrial discharger at more than one location, separate information submittals shall be made for each location as may be required by the Manager.

- C. Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available upon written request to governmental agencies for uses related to this Part 1, the Virginia Pollutant Discharge Elimination System (VPDES) permit, State Disposal System permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Town as confidential shall not be transmitted to any governmental agency or to the general public by the Town until and unless a ten-day notification is given to the user.

§ 143-34. User permits.

- A. All significant industrial users proposing to connect to or contribute to the treatment works shall obtain a user permit before connecting to or contributing to the treatment works. All existing significant industrial users connected to or contributing to the treatment works shall obtain a user permit within 180 days after the effective date of this Part 1.
- B. Significant industrial users required to obtain a permit shall complete and file with the Town an application in the form prescribed by the Town, and accompanied by a fee as set from time to time by the Town Council, plus review costs. Existing significant industrial users shall apply for a permit within 30 days after the effective date of this Part 1, and proposed new significant industrial users shall apply at least 90 days prior to connecting to or contributing to the treatment works.
- (1) In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
- (a) Name, address, and location (if different from address); SIC number according to the Standard Industrial Classification Manual, Bureau of Budget, 1987, as amended;
 - (c) Wastewater constituents and characteristics, including but not limited to those mentioned in Article V, § 143-26 of this Part 1 as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
 - (d) Time and duration of contribution;
 - (e) Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations if any;
 - (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.

- (g) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged;
- (h) The nature and concentration of any pollutants in the discharge. A statement identifying the applicable pretreatment standard and requirements, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional O&M and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (i) If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards. The following conditions shall apply to this schedule:

[1] The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

[2] No increment referred to in Subsection B(9)(a) shall exceed one year.

[3] No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Manager, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress; the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than one year elapse between such progress reports to the Manager.

- (j) Each product produced by type, amount, process or processes and rate of production;
- (k) Type and amount of raw materials processed (average and maximum per day);
 - (l) Number of type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (m) Any other information as may be deemed by the Town to be necessary to evaluate the user permit application.

(2) The Town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished. The Town may issue a user permit subject to terms and conditions provided herein.

C. Within nine months of the promulgation of a National Categorical Pretreatment

Standard, the user permit of users subject to such standards shall be revised to require compliance with such standards if they are more restrictive than the local limits developed by the POTW within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a user permit as required by Subsection B, the user shall apply for a user permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing user permit shall submit to the Manager within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by Subsection B(1)(h) and (i) of this section.

D. Permit conditions. User permits shall be expressly subject to all provisions of this Part 1 and all other applicable regulations, user charges and fees established by the Town. Permits may contain the following:

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (2) Limits on the average and maximum wastewater constituents and characteristics must contain effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law. (Permits must contain this item.)
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization. (Permits must contain this item.)
- (4) Requirements for installation and maintenance of inspection and sampling facilities.
- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
- (6) Compliance schedules.
- (7) Requirements for submission of technical reports or discharge reports. See § 143-35 of this article. (Permits must contain this item.)
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Town, and affording the Town access thereto. (Permits must contain this item.)
- (9) Requirements for notification of the Town for any new introduction of wastewater constituents or any substantial change in volume or character of the wastewater constituents being introduced into the treatment works. (Permits must contain this item.)
- (10) Requirements for immediate notification of slug discharges. (Permits must contain this item.)
- (11) Other conditions as deemed appropriate by the Town to ensure compliance with this Part 1.

E. User permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Town during the term of the permit as limitations or requirements as identified in this section are modified or other just cause exists. The user

shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

- F. User permits are issued to a specific user for a specific operation. A user permit shall not be reassigned or transferred or sold by the changed operation without the approval of the Town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit in the interim prior to the issuance of the respective new permit.
- G. Permits issued by a member locality of the Town or an owner of the collector system are required to adopt and enforce a permit system equal to or more stringent than that of the Town. Copies of all permits issued by member localities shall be filed with the Town within 30 days following issuance.

§ 143-35. Hauling and discharge of holding tank septic tank wastes.

- A. Any person proposing to discharge any holding tank industrial wastes into the sewerage system must secure a permit in accordance with § 143-34 of these Regulations. A separate permit must be secured for each separate discharge unless it can be demonstrated that the wastewater is routinely produced and is of such quantity and quality as to be in compliance with the permit. It shall be the responsibility of the owner of the holding tank or other similar facility to secure the permit from the Town.
- B. Owners and/or operators of septic tank trucks, or of other methods of transportation utilized in the conveyance of wastes into the sewerage system, or their lessees, shall also secure a permit. The terms and conditions of the permit may include, but not be limited to, the following:
 - (1) Maximum permissible concentration of wastewater constituents.
 - (2) Limits and rate of time of discharge or requirements for flow regulations.
 - (3) Requirements for inspection and sampling.
 - (4) Requirements of recording, maintaining and reporting information concerning the origin or each tank truck load and identification of industrial contributor(s) to said load by permit number(s).
 - (5) Prohibition of discharge of certain wastewater constituents.
 - (6) Other conditions as deemed appropriate by the Town to ensure compliance with these regulations.

§ 143-36. Reporting requirements for permittees.

- A. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source following commencement of the introduction of wastewater into the wastewater treatment facilities, any user subject to pretreatment standards and requirements shall submit to the Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. In addition, the report shall contain

the results of any sampling and analysis of the discharge as specified in Subsection B(2) below. This statement shall be signed by an authorized representative of the user, and certified to by a qualified professional.

B. Pollutant reports.

- (1) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the treatment works, shall submit to the Manager during the months of June and December, unless required more frequently in the pretreatment standard or by the Manager, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported. At the discretion of the Manager and in consideration of such factors as local high or low flow rates, holiday budget cycles, etc., the Manager may agree to alter the months during which the above reports are to be submitted.
- (2) The Manager may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Subsection B (1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Manager, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the permit. All analysis shall be performed in accordance with procedures established by EPA, pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or any other test procedures approved by the EPA. All samples analyzed by this method should be reported.
- (3) All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the list of characteristic hazardous waste for which the industrial user has submitted initial notification.
- (4) All industrial users shall notify the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, etc.).

§ 143-37. Monitoring.

- A. When required by the Manager, the owner of any property serviced by a building sewer carrying Class II wastewater discharges shall provide suitable access and such necessary meters and other devices in the building sewer to facilitate observation, sampling, and measurement of the wastewater. Such access shall be in a readily and safely accessible location and shall be provided in accordance with plans approved by the Manager. The access shall be provided and maintained at the owner's expense so as to be safe and accessible at reasonable times.

- B. The Manager shall consider such factors as the volume and strength of discharge, rate of discharge, quantities of toxic materials in the discharge, treatment facility removal capabilities, and cost effectiveness in determining whether or not access and equipment for monitoring Class II wastewater or toxic discharges shall be required.
- C. Where the Manager determines access and equipment for monitoring or measuring Class II wastewater discharges is not practicable, reliable, or cost effective, the Manager may specify alternative methods of determining the characteristics of the wastewaters discharge which will, in the Manager's judgment, provide a reasonably reliable measurement of such characteristics.
- D. Measurements, tests, and analyses of the characteristics of wastewater required by this Part 1 shall conform to 40 CFR Part 136, or an EPA-approved method and be performed by a qualified laboratory. When such analyses are required of a discharger, the discharger may, in lieu of using the Town's laboratory, make arrangements with any qualified laboratory, including that of the discharger, to perform such.
- E. Fees for any given measurement, test, or analysis of wastewater required by this Part 1 and performed by the Town shall be the same for all classes of dischargers, regardless of the quality of the discharge and shall reflect only direct cost. Costs of analyses performed by an independent laboratory at the option of discharger shall be borne directly by the discharger.
- F. The Town shall inspect the facilities of any user to ascertain whether the purpose of this Part 1 is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Town or its representatives ready access during hours of operation to all parts of the premises for the purposes of inspection, sampling, records, examinations, and copying, or in the performance of any of their duties.

§ 143-38. Costs of damage.

If the drainage of discharge from any establishment causes a deposit, obstruction, or damage to any of the Town's treatment works or treatment facility, the Director shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor and supervision, shall be borne by the person causing such deposit, obstruction, or damage.

ARTICLE VII

Pretreatment

§ 143-39. Wastewater with special characteristics.

- A While the Manager should initially rely upon the Federal Categorical Pretreatment Standards to protect wastewater facilities or receiving waters, if any wastewater which contains substances or possesses characteristics shown to have deleterious effect upon the treatment works or treatment facilities, processes, equipment, or receiving waters, or constitutes a public nuisance or hazard, is discharged or is proposed for discharge to the wastewater sewers, the Manager may require any or all of the following:
 - (1) Pretreatment by the user or discharger to a condition acceptable for discharge to the treatment works;

- (2) Control over the quantities and rates of discharge;
 - (3) The development of compliance schedules to meet any applicable pretreatment requirements;
 - (4) The submission of reports necessary to assure compliance with applicable pretreatment requirements;
 - (5) Carrying out all inspection, surveillance and monitoring necessary to determine compliance with applicable pretreatment requirements;
 - (6) Obtaining remedies for noncompliance by any user. Such remedies may include injunctive relief, the civil penalties specified in Article IX of this Part 1, or appropriate criminal penalties; or
 - (7) Rejecting the wastewater if evidence disclosed that discharges will create unreasonable hazards or have unreasonable deleterious effects on the treatment works or treatment facilities.
- B. When considering the above alternatives, the Manager shall assure that conditions of the Town's permit are met. The Manager shall also take into consideration cost effectiveness, the economic impact of the alternatives, and the willful noncompliance of the discharger. If the Manager allows the pretreatment or equalization of wastewater flows, the installation of the necessary facilities shall be subject to review. The Manager shall review and recommend any appropriate changes to the program, within 30 days of submittal.
- C. Where pretreatment of flow-equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner.

§ 143-40. Compliance with pretreatment requirements.

Persons required to pretreat wastewater in accordance with § 143-39 above shall provide a statement, reviewed by an authorized representative of the user and certified by such representative, indicating whether applicable pretreatment requirements are being met on a consistent basis and, if not, describing the additional operation and maintenance or additional pretreatment required for the user to meet the pretreatment requirements. If additional pretreatment or operation and maintenance will be required to meet the pretreatment requirements the user shall submit a plan (including schedules) to the Manager as described in Article VI, § 143-34B(1)(i). The plan (including schedules) shall be consistent with applicable conditions of the Town's permit or other local state or federal laws.

§ 143-41. Monitoring requirements.

Discharge of wastewater to the Town's treatment works from the facilities of any user shall be monitored in accordance with the provisions of the user's permit.

§ 143-42. Effect of federal law.

In the event that the federal government promulgates a regulation for a given new or existing user in a specific industrial subcategory that established pretreatment standards or established that such user is exempt from pretreatment standards, such federal regulations shall immediately supersede § 143-39A of this article if they are more stringent.

ARTICLE VIII

Wastewater Service Charges and Industrial Cost Recovery

§ 143-43. Wastewater service charges.

Charges and fees for the use of the public treatment works and treatment facilities shall be based upon the actual use of such system, or contractual obligations for a level of use in excess of current actual use. Property value may be used to collect the amount due as permitted by law.

§ 143-44. Industrial cost recovery.

Users of the Town's treatment works and treatment facilities will also be assessed industrial cost recovery charges as required by law.

§ 143-45. Determination of system use.

- A. The use of the Town's treatment works and treatment facilities shall be based upon actual measurement and analysis of each user's wastewater discharge, in accordance with provisions of Article VI, § 143-38 to the extent such measurement and analysis is considered by the Manager to be feasible and cost-effective.
- B. Where measurement and analysis is considered not feasible, determination of each user's use of the treatment works and treatment facilities shall be based upon the quantity of water used, whether purchased from a public water utility or obtained from a private source, or an alternative means as provided by Subsection C below.
- C. The Manager, when determining actual use of the Town's treatment works and treatment facilities based on water use, shall consider consumptive, evaporative, or other use of water which results in a significant difference between a discharger's water use and wastewater discharge. Where appropriate, such consumptive water use may be metered to aid in determining actual use of the treatment works and treatment facilities. The meters used to measure such water uses shall be of a type and installed in a manner approved by the Manager.

ARTICLE IX

Enforcement

§ 143-46. Harmful contributions.

- A. The Town may suspend the wastewater treatment service and/or a user permit when such suspension is necessary, in the opinion of the Town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare or person, to the environment, causes interference to the treatment facilities or caused the Town to violate any condition of its VPDES permit.
- B. Any person notified of a suspension of the wastewater treatment service and/or the user permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary, including immediate severance of the sewer connection and/or water

connection and/or seeking of legal and equitable relief in the circuit court, to prevent or minimize damage to the wastewater treatment facilities or endangerment to any individuals. The Town shall reinstate the user permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Town within 15 days of the date of occurrence.

§ 143-47. Revocation of permit.

Any user who violates the following conditions of this Part 1, or applicable state and federal regulations, is subject to having this permit revoked in accordance with the procedure of Article IX of this Part 1:

- A. Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- B. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- C. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- D. Violation of conditions of the permit.

§ 143-48. Notification of violation.

Whenever the Town finds that any user has violated or is violating this Part 1, user permit, or any prohibition, limitation of requirements contained herein, the Town may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of this notice, a plan for the satisfactory correction thereof shall be submitted to the Town by the user.

§ 143-49. Show-cause hearing.

- A. The Town may order any user who causes or allows an unauthorized discharge to show cause why the proposed enforcement action should not be taken. Such hearings shall be preceded by a notice being served on the user specifying the time and place of the hearing, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 days before the hearing. Service may be made on any agent or officer of a corporation.
- B. The Manager may conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the assigned department to:
 - (1) Issue in the name of the Manager notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
 - (2) Take the evidence.
 - (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Manager for action thereon.

- C. At any hearing held pursuant to this Part 1, testimony taken must be under oath, and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the transcript costs.
- D. After the Manager has reviewed the evidence, he may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

§ 143-50. Legal action.

If any person discharges sewage, industrial wastes or other wastes into the Town's treatment works contrary to the provisions of this Part 1, applicable federal or state pretreatment requirements or any order of the Town or if any industrial user refuses access to the Manager or his designee for purposes of inspection, the Town's attorney may commence an action for appropriate legal and/or equitable relief in the Circuit Court.

§ 143-51. Civil penalties.

The Manager shall have the authority to assess on any user who is found to have violated an order of the Manager or who failed to comply with any provision of this Part 1 and the orders, rules, regulations and permits issued hereunder a penalty of \$1,000 per day of violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

§ 143-52. Falsifying information.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Part 1, or user permit, or who falsifies any monitoring device or method required under this Part 1 shall, upon conviction, be guilty of a Class 1 misdemeanor, and subject to a fine of not more than \$2,500 or confinement in jail for not more than 12 months, either or both.

Part 2

User Charges

[Adopted 5-16-1994]

ARTICLE X

Purpose and Definitions

§ 143-53. Purpose.

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the Town to collect charges from all users who contribute wastewater to the Town's treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public wastewater treatment works.

§ 143-54. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Part 2 shall be as follows:

BOD (BIOCHEMICAL OXYGEN DEMAND) —% The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C, expressed in milligrams per liter (mg/l).

COMMERCIAL USER —% All retail stores, restaurants, office buildings, laundries, and other private business and service establishments.

DEBT SERVICE —% Amounts owed on borrowed monies used for capital improvements or other purposes and on which scheduled payments are due to be made.

GOVERNMENTAL USER —% Includes legislative, judicial, administrative and regulatory activities of federal, state, and local governments.

INDUSTRIAL USER —% Includes any nongovernmental, nonresidential user of publicly owned treatment works which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions: Division A - Agriculture, Forestry and Fishing; Division B - Mining; Division D - Manufacturing; Division E - Transportation, Communications, Electric, Gas and Sanitary; and Division I - Service.

INSTITUTIONAL USER —% Includes social, charitable, religious and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

NORMAL DOMESTIC WASTEWATER —% Wastewater that has a BOD concentration of not more than 240 mg/l and a suspended solids concentration of not more than 240 mg/l.

OPERATION AND MAINTENANCE —% Those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined in the definition of "replacement."

REPLACEMENT —% Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

RESIDENTIAL USER —% Any contributor to the Town's treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.

SHALL; MAY —% "Shall" is mandatory; "may" is permissive.

SS (SUSPENDED SOLIDS) —% Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

TREATMENT WORKS —% Any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clean well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including and for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or in industrial waste, including waste in combined stormwater and sanitary sewer systems.

USEFUL LIFE —% The estimated period during which a treatment works will be operated.

USER CHARGE —% That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of debt service, operation, maintenance and replacement of the wastewater treatment works.

WATER/WASTEWATER METER —% A water volume measuring and recording device, furnished and/or installed by a user or the Town and approved by the Town or one of its participants.

ARTICLE XI

Disposition of Revenue

§ 143-55. Authorized depositories.

The revenues collected, as a result of the user charges levied, shall be deposited in compliance with the terms of the loan documents with the Virginia Resources Authority, Virginia Water Facilities Revolving Fund, and/or the US Department of Agriculture through Farmers Home Administration or other bond holders having parity.

ARTICLE XII

User Charges

§ 143-56. Determination of charges.

Each user shall pay for the services provided by the Town based on his use of the treatment works as determined by water meter readings (or other appropriate methods) acceptable to the Town.

§ 143-57. Basis for charges.

For residential, industrial, institutional and commercial users, other than the participating localities, monthly user charges may be based on actual water usage. If a residential, commercial or institutional user has a consumptive use of water, or, in some other manner, uses water which is not discharged into the wastewater collection system, the user charge for that contributor may be based on readings of a wastewater meter(s) or separate water meter(s) installed and maintained at the user's expense.

§ 143-58. Rate schedule. [Amended 11-20-2000]

Each user shall pay a user charge for debt service, operation, maintenance and replacement as set from time to time by the Town Council.

§ 143-59. Sewer surcharge.

For those users whose wastewater has a greater strength than normal domestic sewage, a surcharge in addition to the normal user charge, will be paid by the user. The surcharge for operation, maintenance and replacement is the actual cost of additional treatment and related costs, such as stream restoration, fines, court costs, etc., and will be determined by the Town and paid by such user.

§ 143-60. Additional charges for toxic pollutants and other substances.

Any user which discharges any toxic pollutants (as defined in Part 1) which cause an increase in the cost of managing the effluent or the sludge from the Town's treatment works, or any user which discharges any substance which singly or by interaction with other substance causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased costs. The charge to each user shall be as determined by the appropriate financial personnel and approved by the Town Council.

§ 143-61. Applicability.

The user charge rates established in this article apply to all users of the Town's treatment works.

ARTICLE XIII

Administration

§ 143-62. Monthly billing.

Billings for any period shall be submitted by the end of each month or as soon thereafter as may be practicable. Payments shall be due by the 10th of the next month. Amounts unpaid by the 20th of the next month shall be delinquent.

§ 143-63. Late payments.

A penalty of 10% for delinquent amount will be added to each delinquent bill for each 30 days thereof of delinquency. When any bill is more than 60 days in default, water service to such premises shall be discontinued until such bill is paid, unless there exists justifiable cause for not discontinuing service.

ARTICLE XIV

Heavy Users

§ 143-64. Report required; plan for reduction.

All users contributing more than 100,000 gallons per month and whose waste strength is greater than 240 mg/l BOD or 240 mg/l SS shall prepare and file with the Town a report that shall include pertinent data relating to the wastewater characteristics, including the methods of sampling and measurements to obtain these data, and these data shall be used to calculate the user charge for that user. Such user shall also file for approval of the Town a plan for reduction of strength and a timetable for implementation of the plan. The Town shall have the right to gain access to the waste stream and take its own samples. Should the Town do so and should the results be substantially different, as determined by the Town, from the data submitted by the user, the user charge for that user shall be revised for the next billing cycle/period.

ARTICLE XV

Appeals

§ 143-65. Review authorized.

Any user who feels his user charge is unjust and inequitable may make written application to the Town requesting a review of his user charge. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

§ 143-66. Review by Town; recomputation of charges.

Review of the request shall be made by the Town and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength data, and the new charges shall be applicable to the next billing cycle/period.

ARTICLE XVI

Review and Establishment of Rates

§ 143-67. Rate revisions.

The Town will review the user charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of debt service, operation and maintenance, including replacement and that the system continues to provide for the proportional distribution of debt service and operation and maintenance, including replacement costs among users and user classes.

§ 143-68. Establishment of rates.

The Town shall use the following procedures in establishing rates. The Town shall adopt a resolution setting forth the preliminary schedule or schedules fixing and classifying such rates, fees, and charges, notice of such public hearing, setting forth the proposed schedule or schedules of rates, fees and charges. This proposed schedule shall be published in two publications, which

publications shall be at least six days apart, in a newspaper having a general circulation in the area to be served at least 60 days before the date fixed in such notice for the hearing. A copy of this notice shall be mailed to the governing bodies of all local governments in the area served by the Town. After the hearing such preliminary schedule or schedules either as originally adopted or as modified or amended shall be adopted and put into effect.

§ 143-69. Notification of charges for debt service and O&M.

The Town will notify each user at least annually of the rate being charged for debt service, operation and maintenance, including replacement of the treatment works.