

## Chapter 75 WATER, SEWERS AND SEWAGE DISPOSAL\*

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## ARTICLE I. WATER

### DIVISION 1. GENERALLY

#### **Sec. 75-1. Rules and regulations generally.**

The rules and regulations set out in this article shall be considered a part of the contract with every person supplied with water through the county waterworks system and every person by taking water shall be considered to express his assent to be bound thereby. When any of the rules and regulations are violated or such others as the Board of Supervisors may adopt, water shall be cut off from the building or place of such violations and shall not be turned on except by order of the county administrator or Board of Supervisors and then only after the payment of the sum of fifty dollars (\$50.00) to cover the cost of shutting off the water and turning it on again; and in case of such violations, the Board of Supervisors shall have the right to declare forfeited any payment made for water by persons committing or permitting such violations.

#### **Sec. 75-2. Taking water without authority.**

It is hereby declared unlawful for any person to take any water from the waterworks system of the county, except in accordance with the provisions of this article. Waterworks system is defined as any and all equipment connected to the water distribution system to include but not limited to water lines, hydrants, valves, meter boxes, storage facilities and water sources.

#### **Sec. 75-3. General restrictions on use of water.**

No consumer shall supply water to other families nor suffer them to take water off his premises. Nothing in this section shall prevent the occupant of any house or premises supplied with county water from having when his water service connection out of order, the use of water from another house or premises with the permission of the occupant thereof nor prevent any person from taking county water to extinguish a fire in the case of an emergency. But in no case shall an account holder/consumer provide water to another premises via a piped connection or to another accountholder/consumer who has had service disconnected by the County.

#### **Sec. 75-4. Management vested in county administrator.**

The county administrator shall have the general management and control of the county waterworks and the properties appertaining thereto. He shall have authority to appoint such assistants and employees as he may deem necessary for the operation and maintenance of the waterworks, to fix their compensation and to remove such assistants and employees at any time; provided, that in such general management and control, the county administrator shall be subject to the control of the Board of Supervisors.

#### **Sec. 75-5. Waterworks fund.**

There shall be an account kept by the treasurer known as the "waterworks fund." All money received from the sale of waterworks bonds, from the collection of water rents, from any taxation for waterworks purposes, from the sale of any property or material connected with the waterworks, from any appropriation made by the Board of Supervisors for the purpose of construction or extension of the waterworks or from any source whatsoever connected with the management and operation of the waterworks system shall be placed in the waterworks fund; and all salaries and disbursements connected with the management and operation of the waterworks system shall be paid out of this fund, insofar as possible.

#### **Sec. 75-6. Fire hydrants.**

(a) All hydrants erected for the purpose of extinguishing fires are hereby declared to be public hydrants. No persons, except the members of the fire departments, or persons especially authorized by the county administrator or Board of Supervisors, and then only in the exercise of the authority delegated, shall open any of such hydrants or uncover or remove any protection from or in any manner interfere with such hydrants.

(b) It shall be unlawful for any person authorized to open hydrants to delegate his authority to another or to let or suffer another person to take wrenches or tools furnished him or to suffer the same to be taken from any fire station except for the purpose strictly connected with the fire department or as they accompany fire apparatus on occasion of fire.

#### **Sec. 75-7. Tampering, etc., with waterworks property.**

It shall be unlawful to break, injure, mark, deface, interfere with or disturb any building, machinery, apparatus, mains, pipes, meters, fixtures, attachments or appurtenances of the waterworks system or any part thereof including water sources or to commit any act tending to obstruct or impair the intended use of the above-mentioned property without permission of the county administrator or Board of Supervisors or excepting cases provided by ordinance or this Code. The waterworks system referred to in this section shall not include the pipes, fixtures, etc., owned and maintained by the consumer.

#### **Sec. 75-8. Failure of system; right to cut off water generally.**

The county does not guarantee a regular and uninterrupted supply of water for any purpose to any consumer and shall not be liable for any failure to supply the same nor shall it be liable for any claim or damages by reason of the breaking of any main, service pipe, stopcock or other equipment or if for any reason the supply of water shall be shut off to make repairs, connections or extensions or for any other reason whatsoever. The right is reserved to cut off the supply of water or to reduce pressure at any time. When possible to do so, reasonable notice of such discontinuation shall be given to the consumers affected.

### **Sec. 75-9. Right of entry.**

Every consumer shall permit the county administrator and the duly authorized employees of the waterworks system of the county or any person or corporation authorized by the county to install or repair a portion of the waterworks system, at all reasonable hours of the day, to enter his premises or building to examine the pipes and fixtures and the manner in which the water is used. Such consumer shall frankly and without concealment answer questions put to him relative to the use of water on such premises or in such building. The county shall have the right, on giving reasonable notice to the consumer, to discontinue the service when such access at any time is refused or not permitted.

### **Sec. 75-10. Discharge from sinks, bathrooms, etc.**

No sewage or wastewater from any lot or discharge from any sink, bathroom or other water fixture owned by a consumer shall be permitted to flow into the street, upon the sidewalk or footway, or upon the premises of any adjacent owner. All activities conducted by or authorized by the County and all discharges associated with fire suppression to include testing are exempt.

## **DIVISION 2. CONNECTIONS AND CHARGES**

### **Sec. 75-11. Application for service.**

Every person desiring a supply of water shall make application therefor to the county administrator on such forms as may be prescribed by the Board of Supervisors and provided for that purpose. The application shall state fully and truly all the uses to which the water is to be applied; no different or additional use will be allowed, except by written permission made therefor.

The permit for the connection to the service pipes or water mains shall be issued by the county administrator or his designated representative contingent upon the applicant obtaining all other necessary approvals and permits required by the county to some licensed plumber employed by the applicant to make such connection.

### **Sec. 75-12. Each residential unit or business establishment to have separate connection; exception.**

Not more than one (1) house, mobile home, house trailer or other unit used as a residence and not more than one (1) place of business, manufacturing plant or other business establishment shall be supplied from or through any one (1) water tap or connection, except on written permission of the board of Supervisors and not then in any case unless the building owner is the registered consumer responsible for payment of all charges and provision is made so that each house, mobile home, house trailer or other unit used as a residence, place of business, manufacturing plant or other business establishment may be shut off independently of all others. Mobile home parks, described as any lot or premises on which two (2) or more mobile homes are parked or located, shall have either a separate water meter supplying each mobile home or, with the approval of the county administrator or his authorized representative, may be supplied by one (1) or more meters if the water is purchased by the owner or operator of the mobile home park.

### **Sec. 75-13. Water connection charge.**

(a) The basic connection fee is to cover the cost of the service tap w/stop, service line, meter setter and meter box. The basic connection fee shall be assessed all residential, commercial and industrial connectors and the payment shall accompany the application for water service as set forth in the schedule of fees below:

a. Residential, 3/4" tap, per unit with a 5/8"x3/4" meter or 3/4" meter, the greater of \$4,500.00 X the number of units, or 110% of county's actual cost of installing the water service.

b. Commercial/industrial, 3/4" tap, with 5/8" X 3/4" meter or 3/4" meter per unit . . . 6,000.00 plus any cost of labor, materials and equipment to provide the tap, service line meter setting, water meter and meter box

c. All taps, over 3/4" and with meters larger than 3/4" nominal size \$10,000 per inch of Nominal Size of the meter.

plus \$3,000.00 per unit in excess of one (1)

plus cost of labor, materials and equipment to make tap service line, meter setting, water meter and meter box.

d. Water-only connection for irrigation or other non-sewered use limited to 3/4" tap with 5/8" X 3/4" meter

if connected to existing service line . . . 1000.00

4,500.00 if connected to a separate tap

(b) For the purpose of this section, a unit is described as follows:

(1) The part of a building designed or used as separate living quarters.

(2) The part of a building designed or used as a separate business, profession, trade or occupation.

(3) For nursing homes, hospitals, rooming houses, boarding houses or any like structure, every four

(4) beds shall constitute one (1) unit.

(4) For hotels, motels or any like structure, every four (4) rooms shall constitute one (1) unit.

(5) For mobile home parks, each space designed or used to accommodate one (1) mobile home shall constitute one (1) unit.

(6) For schools, daycare centers or any like structure, every fifteen (15) students shall constitute one (1) unit.

(c) In addition to the charges imposed by this section, the developer shall also pay the entire cost of extending facilities. Facilities construction credits may be allowed by the county, in its sole discretion, for construction of facilities in excess of size necessary to adequately serve (owner) applicant. Credits will be limited to a maximum of one-half ( 1/2) the total amount of basic connection fees assessed and collected by the County for the developer's project to be served by the extension

(d) The County will not accept or allow pre-paid connections for any units for which a water service will not be initiated or a certificate of occupancy will not be issued within 12 months of the date of application pursuant to 75-11.

(e) When water requirements of a connector exceed that originally applied for, the county shall require additional connection fees in accordance with the schedule of fees in effect at that time.

## **Sec. 75-14. Deposits.**

(a) The treasurer is authorized to require the following deposits from persons opening new water accounts:

(1) *Residential consumers:*

a. In county . . . \$120.00

(2) *Commercial consumers* (on the basis of the County Administrator or his designated representative estimates of the prospective consumer's use):

a. In excess of twenty thousand (20,000) gallons per two (2) months:

1. In county . . . \$225.00

b. In excess of forty thousand (40,000) gallons per two (2) months:

1. In county . . . 450.00
- c. In excess of one hundred thousand (100,000) gallons per two (2) months:
  1. In county . . . 600.00

(b) Any deposit not reclaimed by the depositor within one (1) year after the depositor ceases to use county water shall be deemed abandoned by the depositor and shall not be subject to reclamation.

#### **Sec. 75-15. Rate schedule.**

- (a) The charge for water shall be:
- (1) First 3,000 gallons . . . \$25.93
  - (2) Over 3,001 gallons to 20,000 gallons, per 1,000 gallons . . . 3.99
  - (3) Over 20,001 gallons, per 1,000 gallons . . . 6.00

#### **Sec. 75-16. Surcharge on multiple units served by a single meter.**

(a) In addition to the charges imposed by other sections of this article, there shall be added to all bills for meters serving more than one (1) unit, a bimonthly surcharge of five dollars (\$5.00) per unit for all units in excess of one (1), whether occupied or not. For the purpose of this section, a unit is described as follows:

- (1) The part of a building designed or used as separate living quarters.
- (2) The part of a building designed or used as a separate business, profession, trade or occupation.
- (3) For nursing homes, hospitals, rooming houses, boarding houses, or any like structure, every four (4) beds shall constitute one (1) unit.
- (4) For hotels, motels, or any like structure, every four (4) rooms shall constitute one (1) unit.
- (5) For mobile home parks, each space designed or used to accommodate one (1) mobile home shall constitute one (1) unit.

(b) There shall be no surcharge on dormitories when they are owned by an educational institution and used to house students attending that institution.

#### **Sec. 75-17 Initiation of Water Service**

The County Administrator or his designee will install the water meter in the meter setting and authorize the initiation of water service and billing provided that for the facilities to be served, a certificate of occupancy or other suitable approval has been issued by the county Building Official, the County has performed any other inspections the County may require to assure that the facilities required to provide such service are complete and in compliance with applicable County ordinances and regulations, all necessary easements and properties for such facilities have been conveyed to the County, all applicable water and sewer service initiation fees have been paid and that any deposit the County may require has been paid.

#### **Sec. 75-18. County to maintain connections to meter box.**

After the final inspection and approval of any domestic water service connection by the county administrator or his authorized agent, the county shall own and maintain all domestic water service connections from the water main up to and including the water meters and meter box; except that when a domestic water service meter is on private property, the county's responsibility shall be limited to ownership and maintenance of the water meter and meter setting.

#### **Sec. 75-19. Consumer to furnish connections between building and meter box.**

Lateral lines between the house or premises of the property owner or consumer and the county meter and connection of such lines to the county's meter setting shall be the responsibility of the property owner or the consumer.

#### **Sec. 75-20 Turning on water.**

Water shall not be turned on or off in any house or private service except by order of the county administrator or Board of Supervisors. Approved fire suppression uses notwithstanding, any person who turns on or turns off county water or who takes water from the county water system by any means except by order of the county administrator or Board of Supervisors shall be guilty of a misdemeanor and any person who uses water so taken shall be guilty of a misdemeanor. This rule shall not be construed to prohibit plumbers from turning water into any pipe to test same and for the purpose of testing the plumbing connected thereto, or for turning water off and on to facilitate repairs to the connected building supply line or lateral and other plumbing within the building. Should the meter or connections be damaged in any way by the turning on of water for testing purposes, the plumber shall be responsible for all such damages.

#### **Sec. 75-21. Disconnection of service.**

Water service may be disconnected on notice to the county administrator whenever the premises are to be unoccupied and shall be reconnected on request.

### **DIVISION 3. METERS**

#### **Sec. 75-22. Provided by county.**

All water furnished by the county shall be measured by meters furnished by the county for that purpose.

#### **Sec. 75-23. Bimonthly readings; when bills due, delinquent accounts.**

(a) Meters shall be read every two (2) months by the properly authorized persons and water bills for the same shall be due and payable at the office of the county treasurer on the first day of the following month; if not paid by the twentieth day of that month, they shall be subject to a penalty of ten (10) percent, and if not paid on or before the last day of that month, water service to the delinquent consumer may be discontinued. To be reconnected, the delinquent consumer shall pay all accounts then due and, in addition, a reconnection charge of fifty dollars (\$50.00).

(b) If the bill is not paid by the twentieth day of such month, the county treasurer shall mail a notice to the delinquent consumer, stating that the ten-percent penalty has been applied to the bill and if the bill is not paid on or before the last day of such month, service may be disconnected. If service is disconnected and the consumer does not choose to have it reconnected, after ten (10) days the county treasurer shall apply the consumer's deposit to his unpaid account.

#### **Sec. 75-24 Testing; deposit.**

Any consumer may require his meter to be tested when a monthly usage exceeds the yearly average usage by 100% by paying to the county treasurer the sum of twenty dollars (\$20.00). The county administrator shall thereupon see that the meter is properly tested. Should the meter register three (3) percent or more over, the consumer shall have his deposit for testing the meter returned to him.

Otherwise the customer will pay the county the difference between testing costs including meter removal and reinstallation, shipping and testing and the deposit.

#### **Sec. 75-25. Refunds when meters in error.**

Whenever a meter is found to have an average error in registration exceeding three (3) percent, an adjustment shall be made between the county and the consumer on the basis of the average error found, covering a period equal to one-half of the time elapsed since the last previous test; but in no case shall this period exceed three (3) months.

#### **Sec. 75-26 Failure to register.**

If the metering equipment is found to be out of order or fails to register for a certain period, the amount of water consumed shall be estimated, using as a basis the amount consumed during a similar period and under comparable conditions.

#### **Sec. 75-27. Removal for illegal use or abuse.**

If at any time it becomes necessary to remove a water meter because of improper or illegal use or abuse, the meter shall not be replaced until a fifty-dollar reinstallation charge is paid to the county treasurer, in addition to all other charges properly due.

### **DIVISION 4. CROSS-CONNECTION AND BACKFLOW PREVENTION FOR WATERWORKS**

#### **Sec. 75-28. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

*Backflow* means the flow of contaminants, pollutants, process fluids, used water, untreated waters, chemicals, gases, or non-potable waters into any part of a waterworks.

*Backflow prevention device* means any approved device, method or type of construction intended to prevent backflow into a waterworks.

*Consumer* means the owner or person in control of any premises supplied by or in any manner connected to a waterworks.

*Consumer's water system* means any water system located on the consumer's premises, supplied by or in any manner connected to a waterworks.

*Contamination* means any introduction into pure water of microorganics, wastes, wastewater, undesirable chemicals or gases.

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

*Degree of hazard* is a term derived from an evaluation of the potential risk to health and the adverse effect upon the waterworks.

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

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

*Interchangeable connection* means an arrangement or device that will allow alternate but not simultaneous use of two (2) sources of water.

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

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

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

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

*Pure water* or *potable water* means water fit for human consumption and use which is sanitary and normally free of minerals, organic substances, and toxic agents in excess of reasonable amounts of domestic usage in the area served and normally adequate in supply for the minimum health requirements of the persons served.

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

*Service connection* means the terminal end of a service line from the waterworks. If a meter is installed at the end of the service, then the service connection means that downstream end of the meter.

*System hazard* means a condition posing an actual, or threat of, damage to the physical properties of the waterworks or a consumer's water system.

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

*Water purveyor* means an individual, group of individuals, partnership, firm, association, institution, corporation, municipal corporation, county or authority which supplies water to any person within this state from or by means of any waterworks.

*Waterworks* means all structures and appliances used in connection with the collection, storage, purification and treatment of water for drinking or domestic use and the distribution thereof to the public or residential consumers as set forth in Code of Virginia, Tit. 62.1, Ch. 4, § 62.1-45a.

### **Sec. 75-29. Supplement.**

This article is a supplement to the BOCA National Plumbing Code.  
(Code 1973, § 28-62)

### **Sec. 75-30. Commonwealth regulations adopted.**

The Board of Supervisors hereby adopts by reference, 12VAC5-590-590, Cross-Connection and Backflow Prevention Control in Waterworks, Commonwealth of Virginia Waterworks Regulations.

### **Sec. 75-31. Inspections to be made.**

It shall be the duty of the Board of Supervisors to cause inspections to be made of properties served by the waterworks where cross-connections with the waterworks are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the building official in the cross-connection control and backflow prevention program and as approved by the state department of health.

### **Sec. 75-32. Right of entry; supply of requested information; discontinuance of service; cross-connection and backflow devices.**

(a) The representative of the Board of Supervisors, upon written request to the effected property owner or occupant, shall be granted the right to enter at any reasonable time properties served by a connection to the waterworks of the county for the purpose of inspecting the piping system for cross-connections. Also upon written request, the owner or occupant of such property shall furnish to such representative any requested information regarding the piping system on such property. Failure to grant the right to enter or to supply the requested information, as described herein, shall entitle the county to immediately and without notice discontinue county water service to the effected premises. In the event of such discontinuance, the county shall not restore such service until an inspection of the premises has been made or the requested information has been furnished, either or both; provided however, that the county may extend such discontinuance of service under the conditions described in subsection (b), below.

(b) The water purveyor may deny or discontinue the water service to a consumer if the required backflow prevention device is not installed. If it is found that the device has been removed or bypassed or if a cross-connection exists on the premises, or if the pressure in the waterworks is lowered below ten (10) psi gauge, the purveyor shall take positive action to insure that the waterworks is adequately protected at all times. Water service to such premises shall not be restored until the deficiencies have been corrected or eliminated in accordance with commonwealth waterworks regulations and to the satisfaction of the purveyor.

### **Sec. 75-33. Potable water protection.**

The potable water made available on the properties served by the waterworks shall be protected from possible contamination or pollution by enforcement of this article and the county plumbing code. Any water outlet which could be used for potable or domestic purposes and is not supplied by the potable system must be labeled as "water unsafe for drinking" in a conspicuous manner.

## **ARTICLE II. SEWERS AND SEWAGE DISPOSAL \***

### **DIVISION 1. GENERALLY**

#### **Sec. 75-34 Management vested in county administrator.**

Any sewerage system and/or sewage disposal plant established by the County shall be under the supervision and control of the county administrator. The county administrator shall be subject to the control of the entire Board of Superisors.

#### **Sec. 75-35. Application and permit for connection.**

Any person who owns a lot and desires to make a connection with the sewer system shall first file with the county administrator an application therefor in such form as may be prescribed by the Board of Supervisors and provided for that purpose. The application shall set forth the location and description of the property to be connected and for what purpose the sewer is to be used. If the use to which the sewer is to be put is practicable, the county administrator shall issue a permit therefor. It shall be unlawful to make any such connection until the required permit has been secured.

#### **Sec. 75-36. Lateral lines--Generally.**

No person shall connect with any sewer at any other place than through the lateral connections approved by the county for that purpose, unless special permission therefor is given by the Board of Supervisors. Sewer lateral is that sewer line that is located between the County's sewer main and the boundary of the easement or right-of-way in which the sewer main is installed and to which the privately owned sewer line is connected. The lateral is included in the County's Publicly owned treatment works.

#### **Sec. 75-37. Same--Maintenance.**

Laterals connecting with the county sanitary sewer mains shall be maintained at the expense of the county between the sewer main and the right-of-way or easement boundary in which the sewer main is installed. Such maintenance shall include clearing of blockages within the lateral between the easement/right-of-way boundary in which the sewer main is installed and the sewer main. The County's maintenance responsibilities shall not extend beyond the easements or rights-of-way in which County owned facilities are located.

#### **Sec. 75-38. Claims arising out of sewer stoppages.**

The county administrator shall investigate individual claims arising out of sewer stoppages on personal property. Claims will be limited to overflows into private property where such overflows arise from backups, blockages or other operational failures within the POTW and explicitly excludes overflows resulting from defects, failures or blockages of the building sewer or those that result from the customer's failure to comply with any section of this code. In addition the county will submit approved claims to the County's insurance company for possible payment. If the insurance company determines the claim is not payable the County will be under no obligation to make payment.

### **Sec. 75-39. Laying private sewers.**

The consent of VDOT shall be secured before laying any private sewer line along any state maintained road. The provisions of the Uniform Statewide Building Code shall be complied with in laying such private sewers along any street or alley. When the sewers are laid and the connections made, the person authorized to make the connections and to lay the sewers shall notify the county administrator or his authorized agent, who shall inspect such work promptly as his duties permit, and if the material used and the work done meets the requirements set forth, he shall approve the same.

### **Sec. 75-40. Rain and storm water, sump pump, etc., connections.**

Rainwater, stormwater, subsurface drainage and sump pump connections handling the same shall not be made with the sanitary sewer system.

### **Sec. 75-41. Breaking, etc., sewers and sewer equipment.**

It shall be unlawful to break, injure, mark, deface, interfere with or disturb any sewer line, manhole, building, machinery, apparatus or appurtenances of the sewer system or any part thereof belonging to the county or to commit any act tending to obstruct or impair the intended use of the above-mentioned property without permission of the county administrator or the Board of Supervisors or excepting cases provided for in this Code or otherwise provided by ordinance.

## **DIVISION 2. CHARGES AND RATES\***

### **Sec. 75-42. Sewer connection charge.**

(a) The basic connection fee is to cover the cost of the service tap lateral line and clean-out. The basic connection fee shall be assessed all residential, commercial and industrial connectors and the payment shall accompany the application for sewer service as set forth in the schedule of fees below:

- a. Residential, 4" tap, per unit . . . \$4,500.00
- b. Commercial/industrial, 4" tap, per unit . . . 6,000.00  
plus cost of labor, materials and equipment to make tap
- c. All taps, over 4" . . . 10,000.00  
plus \$10,000.00 per inch in excess of four (4)  
plus \$10000.00 per unit in excess of one (1)  
plus cost of labor, materials and equipment

(b) For the purpose of this section, a unit is described as follows:

- (1) The part of a building designed or used as separate living quarters.
- (2) The part of a building designed or used as a separate business, profession, trade or occupation.
- (3) For nursing homes, hospitals, rooming houses, boarding houses or any like structure, every four (4) beds shall constitute one (1) unit.
- (4) For hotels, motels or any like structure, every four (4) rooms shall constitute one (1) unit.
- (5) For mobile home parks, each space designed or used to accommodate one (1) mobile home shall constitute one (1) unit.
- (6) For schools, daycare centers or any like structures, every fifteen (15) students shall constitute one (1) unit.

- (c) If the county's actual cost of installing residential sewer service is more than the applicable basic connection fee, the applicant owner shall pay such difference plus an administrative fee equal to ten (10) percent of total cost.
- (d) In addition to the charges imposed by this section, the developer shall also pay the entire cost of extending facilities. Facilities construction credits may be allowed by the county, in its sole discretion, for construction of facilities in excess of size necessary to adequately serve (owner) applicant. Credits will be limited to a maximum of one-half ( 1/2) the amount assessed for the availability fee. Credits will be based on recent construction bids of similar facilities.
- (e) When sewer requirements of a connector exceed that originally applied for, the county shall require additional connection fees in accordance with the schedule of fees in effect at that time.
- (f) The total connection fee shall be paid before connection, with twenty-five (25) percent payable at the time of project/subdivision plan approval and the remainder prior to activation.

### **Sec. 75-43. Sewer charge.**

- (a) There is hereby imposed against each water user having a sewer connection into the county sewer system a charge equaling one hundred ten (110) percent of the water bill.
- (b) For each connection into the county sewer system that is not a user of county water, there shall be a bimonthly charge of sixty-six dollars (\$66.00), plus a bimonthly charge of sixty-six dollars (\$66.00) for each additional unit, whether occupied or not.
- (c) For the purpose of this section, a unit is described as follows:
  - (1) The part of a building designed or used as separate living quarters.
  - (2) The part of a building designed or used as a separate business, profession, trade or occupation.
  - (3) For nursing homes, hospitals, roominghouses, boardinghouses, or any like structure, every four (4) beds shall constitute one (1) unit.
  - (4) For hotels, motels, or any like structure, every four (4) rooms shall constitute one (1) unit.
  - (5) For mobile home parks, each space designed or used to accommodate one (1) mobile home shall constitute one (1) unit.
  - (6) For schools, day-care centers, or any like structure, every fifteen (15) students shall constitute one (1) unit.

## **ARTICLE III. SEWER USE**

### **DIVISION 1. GENERALLY**

#### **Sec. 75-45. Purpose.**

The purpose of this article is to provide for the maximum possible beneficial public use of the Town of Farmville and Prince Edward County 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.

#### **Sec. 75-46. Scope.**

- (a) The definitions of terms used in this article are found in section 75-53. The provisions of this article shall apply to the discharge of all wastewater to treatment works of the Town of Farmville or Prince Edward County. This article provides for use of the town's or county'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 article.

(b) This article shall apply to all persons in the county who are, by contract, permit or agreement with the town users of the town's treatment works.

#### **Sec. 75-47. Administration.**

Except as otherwise provided herein, the county administrator or his designee shall administer, implement and enforce the provisions of this article.

#### **Sec. 75-48. Fees and charges.**

(a) All fees and charges payable under the provisions of this article shall be paid to the county. Such fees and charges shall be as set forth herein. (b) All user fees, penalties and charges collected under this article (and the Treatment Works User Charge Ordinance) shall be used for the sole purpose of constructing, operating or maintaining the treatment works of the county, complying with contractual obligation related to the collection, transmission or treatment of sewage delivered to the county, or the retirement of debt incurred for same.

(c) All fees and charges payable under the provisions of this article 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 the latest edition of the County's Treatment Works User Charge Ordinance.

#### **Sec. 75-49. Inspections.**

(a) The county administrator his designated representative or authorized town, 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, sampling and/or copying records of the wastewater discharge to ensure that discharge to the treatment works is in accordance with the provisions of this article.

(b) The county administrator or authorized county designee bearing proper credentials and identification, shall be permitted to enter all private property through which the county holds an easement for the purposes of inspection, observation, measurement, sampling, repair and maintenance of any of the county'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 county administrator or authorized designee, shall observe all safety and occupational rules established by the owner or occupant of the property and applicable to the premises.

#### **Sec. 75-50. 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 county's treatment works. Any person who violates this section shall be guilty of a misdemeanor and, upon conviction, is punishable by a fine in an amount not to exceed two hundred fifty dollars (\$250.00).

#### **Sec. 75-51. Severability.**

If any provision of these regulations, or the application of any provision of these regulations to any person or circumstances, is held invalid, the application of such provision to other persons or circumstances, and the remainder of the regulations, shall not be affected thereby.

## **Sec. 75-52. Amendments of the ordinance.**

Public notice shall be given in accordance with applicable provisions of the county ordinances, state and federal law, prior to adoption of any amendments of this ordinance.

## **DIVISION 2. DEFINITIONS**

### **Sec. 75-53. Specific definitions.**

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

*Act* shall mean the Federal Clean Water Act, 33. U.S.C. 1251 et seq.

*Approval authority* shall mean the Director of the Virginia Department of Environmental Quality. .

*ASTM* shall mean the American Society for Testing and Materials.

*Authorized representative of industrial user* shall mean:

- (1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation;
- (2) A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively; or
- (3) A duly authorized representative of the individual designated in (1) or (2) above, 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 County Administrator prior to or together with any reports to be signed by the authorized representative.

*BOD (denoting Biochemical Oxygen Demand)* shall mean the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.

*Building sewer* shall mean the extension from a building wastewater plumbing facility to the treatment works.

*Categorical pretreatment standard or categorical standard* shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(a) and 307(c) of the Act, which apply to specific categories of industrial users which appear in 40 CFR Chapter I, Subchapter N, Parts 405--471.

*Combined sewer* shall mean a sewer intended to receive both wastewater and storm or surface water.

*County* shall mean the County of Prince Edward

*County's Industrial Pretreatment Coordinator* shall mean the County Administrator or his designee

*Day* shall mean the 24-hour period beginning at 12:01 a.m.

*Discharger* shall mean person or persons, firm, company, industry or other similar sources of wastewater who introduce such into the POTW.

*Easement* shall mean an acquired legal right for the specific use of land owned by others.

*EPA* shall mean the United States Environmental Protection Agency.

*Establishment* shall mean any industrial establishment, mill, factory, tannery, paper or pulp mill, mine, coal mine, colliery, breaker or coal processing operations, quarry, oil refinery, boat, vessel and each and every other industry or plant or works the operation of which produces industrial wastes or other wastes or which may otherwise alter the physical, chemical or biological properties of any state waters.

*Existing source* shall mean any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

*Garbage* shall mean the solid animal and vegetable wastes resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking and serving of foods.

*Groundwater* shall mean water beneath the land surface in the zone of saturation.

*Indirect discharge* shall mean the introduction of (nondomestic) pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act.

*Industrial user* or *significant discharger* shall mean a source of indirect discharge or a nondomestic discharge to a treatment works.

*Industrial wastes* shall mean liquid or other wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources.

*Interference* shall mean 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.

*Manager* shall mean the town manager or an authorized designee.

*May* shall be permissible.

*Municipality* shall mean a city, county, town, district association, authority or other public body created under the law and having jurisdiction over disposal of sewage, industrial or other wastes.

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

*New source* shall have the same meaning as provided in 40 CFR Part 403.3(k) (1990).

*Owner* shall mean the Commonwealth or any of its political subdivisions, including, but not limited to, sanitation district commissions and authorities, and public or private institutions, corporations, associations, firms or companies organized or existing under the laws of this or any other state or country, or any person or group of persons acting individually or as a group.

*Pass-through* shall mean 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.

*Person* shall mean any individual, firm, company, association, society, partnership, corporation, governmental entity or other similar organization, agency or group.

*pH* shall mean the logarithm of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution as determined by standard methods.

*Pollutant* shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste, biological materials, radioactive material, heat wrecked or discarded equipment, rock, sand, cellar dirt, agricultural and industrial waste, the characteristics of the wastewater (i.e. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).

*POTW (denoting Publicly Owned Treatment Works)* shall mean 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.

*Pretreatment* shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to discharge to the County POTW .

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

*Pretreatment standard* shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) or the Act, which applies to industrial users.

*Prohibited discharges or prohibited discharge standards* shall mean absolute prohibition against the discharge of certain substances. These prohibitions appear in sections 75-68,69,73,and 74.

*Properly shredded garbages* shall mean 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 one-half ( 1/2) inch in any dimension.

*Residential user (Class I)* shall mean all premises used only for human residency and which is connected to the treatment works.

*Sanitary wastewater* shall mean wastewater discharged from the sanitary conveniences of dwellings, office buildings, industrial plants or institutions.

*Shall* shall be mandatory.

*Significant industrial user* shall be defined as follows:

- (1) Has a process wastewater\* flow of 25,000 gallons or more per average work day; (\*Excludes sanitary, non-contact cooling and boiler blowdown wastewater)
- (2) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW;
- (3) Is subject to categorical pretreatment standards; or
- (4) Has significant impact, either singularly or in combination with other significant dischargers, on the treatment works or the quality of its effluent.

*Slug load* shall mean any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standard in section 75-68 or any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.

*Standard methods* shall mean 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* shall mean the Commonwealth of Virginia.

*Storm sewer* shall mean a sewer for conveying storm, surface and other waters, which is not intended to be transported to a treatment works.

*Surface water* shall mean:

- (1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (2) All interstate waters, including interstate "wetlands";
- (3) All other waters such as inter/intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands", sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
  - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - c. Which are used or could be used for industrial purposes by industries in interstate commerce;
- (4) All impoundments of waters otherwise defined as surface waters under this definition;
- (5) Tributaries of waters identified in paragraphs (3)a. and (4) of this definition;
- (6) The territorial sea; and
- (7) "Wetlands" adjacent to waters, other than waters that are themselves wetlands, identified in paragraphs (1) - (6) of this definition.

*Suspended solids* shall mean the total suspended matter that either floats on the surface of, or is in suspension in, water or wastewater as determined by standard methods.

*Toxics* shall mean any of the pollutants designated by federal regulations pursuant to Section 307(a) (1) of the Act.

*Treatment facility* shall mean only those mechanical power driven devices necessary for the transmission and treatment of pollutants (e.g., pump stations, unit treatment processes).

*Treatment works* shall mean 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.

*User* shall mean a source of wastewater discharge into a POTW.

*User permit* shall mean 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 article.

*VPDES* shall mean Virginia Pollutant Discharge Elimination System permit program, as administrated by the Commonwealth of Virginia.

*Wastewater* shall mean a combination of liquid and water-carried wastes from residences, commercial buildings, industries, and institutions, together with any groundwater, surface water or storm water that may be present.

*WEF* shall mean the water environment federation.  
(Ord. No. 19, 2-10-93)

## **Sec. 75-54. General definitions.**

Unless the context of usage indicates otherwise, the meaning of terms in this article and not defined in section 75-53 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.

## **DIVISION 3. USE OF TREATMENT WORKS AND TREATMENT FACILITY**

### **Sec. 75-55. Waste disposal.**

It shall be unlawful for any person to place, deposit, or permit to be deposited in any condition that may be considered as an unsanitary or unhygienic manner on public or private property within the county, or in any area under the jurisdiction of said county, any human or animal excrement, garbage, or other objectionable waste.

### **Sec. 75-56. Wastewater discharges.**

It shall be unlawful under state and federal law to discharge without a VPDES permit to any natural outlet within the County of Prince Edward, or in any area under its jurisdiction. Wastewater

discharges to the county's treatment works are not authorized unless permitted by the county administrator in accordance with provisions of this article.

#### **DIVISION 4. BUILDING SEWERS AND CONNECTIONS**

##### **Sec. 75-57. Connection permit.**

- (a) No person shall uncover, make any connections with, use, alter or disturb any wastewater sewer without first obtaining a written permit from the county administrator or authorized designee.
- (b) There shall be two (2) classes of permits for connections to the county's treatment works and treatment facilities.

Class I--Residential Class II--Industrial

In all cases, the owner shall make application for a permit to connect to the county treatment works on a form furnished by the county. The permit application shall be supplemented by wastewater information required to administer this article. A permit and inspection fee of twenty-five dollars (\$25.00) for a Class I, or fifty dollars (\$50.00) for a Class II connection permit shall be paid to the county at the time the application is filed.

- (c) Connections to a storm sewer shall be subject to a permit and inspection fee of fifty dollars (\$50.00). Such connections shall be subject to the provisions of this article and the approval of the county administrator.

##### **Sec. 75-58. Connection costs.**

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

##### **Sec. 75-59. Separate connections required.**

For businesses a separate and independent building sewer shall be provided for every building

##### **Sec. 75-60. 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 county's treatment works, wastewater carried by such building drain shall be lifted by an approved means and discharged to a building sewer draining to the county's sewer.

##### **Sec. 75-61. 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 temporary and conveys the effluent from a groundwater or other contaminated water remediation system authorized by the Virginia Department of Environmental Quality and authorized in writing by the county administrator or his designee. The connection of such drains shall conform to codes specified in section 75-62 or as specified by the county administrator 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.

**Sec. 75-62. 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 county, 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 county administrator or his designee before installation.

**Sec. 75-63. Connection inspection.**

The applicant for a building sewer or other drainage connection permit shall notify the county administrator when such sewer or drainage connection is ready for inspection prior to its connection to the county's treatment works. Such connection inspections and testing as deemed necessary by the county administrator and shall be made by the county administrator's authorized designee.

**Sec. 75-64 Excavation guards and 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 county.

**Sec. 75-65. Protection of capacity for existing users.**

The county administrator shall not issue a permit for any class of connection to the county's treatment works or treatment facilities unless there is sufficient capacity, not legally committed to other users, in the treatment works and 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 county administrator may permit such a connection if there are legally binding commitments to provide the needed capacity.

**DIVISION 5. CONDITIONS TO USE THE COUNTY'S TREATMENT WORKS**

**Sec. 75-66. Special uses of treatment works.**

All discharges of storm water, 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 in prior or subsequent sections of this ordinance. 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 article.

**Sec. 75-67. Industrial user, general prohibition upon.**

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

## **Sec. 75-68. Restricted discharges.**

(a) No person shall discharge or cause to be discharged to any of the county's treatment works or distribution or collection system any substances, materials, waters or wastes in such quantities or concentrations which do or are likely to:

(1) Create a fire or explosion hazard in the POTW including, but not limited to, gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas, wastestream with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using test methods specified in 40 CFR 261.21;

(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 11.0;

(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 county wastewater sewer to exceed sixty-five (65) degrees C (150 degrees F) or the temperature of the influent to the treatment facilities to exceed forty (40) degrees C (104 degrees F) unless the facilities can accommodate such heat and the county has obtained prior approval from the approval authority;

(6) Contain more than one hundred (100) milligrams per liter of nonbiodegradable oils of mineral or petroleum origin;

(7) Contain floatable oils, fat or grease;

(8) Contain toxic gases, vapors or fumes, malodorous gas or substance in quantities that may cause a public nuisance or cause acute human health or safety problems;

(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 grease

(11) Contain any odor or color producing substances exceeding concentration limits which may be established by the county administrator for purposes meeting the county's/town's VPDES permit;

(12) Petroleum oil, nonbiodegradeable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through;

(13) Any trucked or hauled pollutants except at designated discharge points.

(b) If, in establishing discharge restrictions, discharge limits, or pretreatment standards pursuant to the division, the county administrator establishes concentration limits to be met by a user, the county administrator 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.

© No person shall discharge trucked hazardous wastes to the county's treatment works.

## **Sec. 75-69. Categorical pretreatment standards.**

(a) No person shall discharge or cause to be discharged to any treatment works, wastewaters containing substances subject to an applicable categorical pretreatment standard promulgated by 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 (3) years of the date the standard is promulgated; provided however, compliance with a categorical pretreatment standard for new sources shall be required upon commencement of discharge to the treatment works.

(b) The county administrator shall notify any industrial user affected by the provisions of this section and establish an enforceable compliance schedule for each.

### **Sec. 75-70. Special agreements.**

Nothing in this article shall be construed as preventing any agreement or arrangement between the county 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.

### **Sec. 75-71. Water and energy conservation.**

The conservation of water and energy shall be encouraged by the county administrator. In establishing discharge restrictions upon users, the county administrator shall take into account already implemented or planned conservation steps revealed by the user. Upon request of the county administrator, each user will provide the county administrator 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 county administrator, he shall make adjustments to discharge restrictions, which have been based on concentrations to reflect the conservation steps.

### **Sec. 75-72. Excessive discharge.**

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 county or state.

### **Sec. 75-73. Accidental discharges (slug load).**

(a) An industrial user or significant discharger shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the county for review, and shall be approved by the county before construction of the facility. No user who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the county. 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 article. 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 location of discharge, type of waste, concentration and volume, and corrective actions.

(b) Within five (5) days following an accidental discharge; the user shall submit to the county administrator 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 person 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 law.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

## **DIVISION 6. INDUSTRIAL DISCHARGERS**

### **Sec. 75-74. Information requirements.**

(a) All industrial dischargers shall file with the county wastewater information deemed necessary by the county administrator for determination of compliance with this article, the county's/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 county administrator 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 section 75-104(c).

(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 county administrator.

(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 county 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 for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this article, 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 county as confidential, shall not be transmitted to any governmental agency or to the general public by the county until and unless a ten-day notification is given to the user.

### **Sec. 75-75. User permits.**

(a) All significant industrial users proposing to connect to or to 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 one hundred eighty (180) days after the effective date of this article.

(b) Significant industrial users required to obtain a permit shall complete and file with the county an application in the form prescribed by the county, and accompanied by a fee of fifty dollars (\$50.00). proposed new significant industrial users shall apply at least ninety (90) days prior to connecting to or contributing to the treatment works. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name, address and location, (if different from address);

- (2) SIC number according to the Standards Industrial Classification Manual, Bureau of the Budget, 1987, as amended;
- (3) Wastewater constituents and characteristics including but not limited to those mentioned in article V, section 2 of this ordinance 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;
- (4) Time and duration of contribution;
- (5) Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by size, location and elevation;
- (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (8) The nature and concentration of any pollutants in the discharge. A statement identifying the applicable pretreatment standards 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;
- (9) 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 standard. The following conditions shall apply to this schedule:
  - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing final plans, executing contract for major components, commencing construction, completing construction, etc.),
  - b. No increment referred to in paragraph a. shall exceed nine (9) months,
  - c. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the county administrator 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 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 (1) year elapse between such progress reports to the county administrator.
- (10) Each product produced by type, amount, process or processes and rate of production;
- (11) Type and amount of raw materials processed (average and maximum per day);
- (12) Number of type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (13) Any other information as may be deemed by the county to be necessary to evaluate the user permit application;

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

(c) Within nine (9) 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 standard 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 one hundred eighty (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 county administrator within one hundred eighty (180) days after the

promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraph (8) and (9) of subsection (b).

(d) *Permit conditions.* User permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges and fees established by the county 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. (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 section 75-76. (Permits must contain this item);
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the county, and affording the county access thereto. (Permits must contain this item);
- (9) Requirements for notification of the county 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 county to ensure compliance with this article;
- (12) Statement of applicable remedies.

(e) User permits shall be issued for a specified time period, not to exceed five (5) (optional) 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 one hundred eighty (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 county during the term of the permit as limitations or requirements as identified in this section are modified or other must cause exists. The user shall be informed of any proposed changes in his permit at least thirty (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 user to a new owner, new user, different premises or a new or 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.

### **Sec. 75-76. Reporting requirements for permittee.**

(a) Within ninety (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 county administrator 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 section

75-76(b)(2) below. This statement shall be signed by an authorized representative of the user, and certified to by a qualified professional.

(b) (1) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case 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 county administrator during the months of June and December, unless required more frequently in the pretreatment standard or by the county administrator, 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 county administrator and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the county administrator may agree to alter the months during which the above reports are to be submitted.

(2) The county administrator 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 subparagraph (1) of this paragraph 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 county administrator, 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(9) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by EPA. Sampling shall be performed in accordance with the techniques approved by EPA. All samples analyzed by this method should be reported.

**Editor's note:** Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question sampling and analysis shall be performed in accordance with sampling and analytical procedures approved.

### **Sec. 75-77. Provision for monitoring.**

(a) When required by the county administrator or his designee, 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 county administrator. The access shall be provided and maintained at the owner's expense so as to be safe and accessible at reasonable times.

(b) The county administrator 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 discharges shall be required.

(c) Where the county administrator determines access and equipment for monitoring or measuring Class II wastewater discharges is not practicable, reliable, or cost effective, the county administrator may specify alternative methods of determining the characteristics of the wastewater discharges which will, in the county administrator's judgement, provide a reasonably reliable measurement of such characteristics.

(d) Measurements, tests and analyses of the characteristics of wastewater required by this article shall conform to 40 CFR Part 136 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 arrangement with any qualified laboratory, including that of the discharger, to perform such analyses.

(e) Fees for any given measurement, test or analysis of wastewater required by this article and performed by the county shall be the same for all classes of dischargers, regardless of the quantity or 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.

### **Sec. 75-78. Costs of damage.**

If the drainage or discharge from any establishment causes a deposit, obstruction or damage to any of the county's treatment works or treatment facility, the county administrator 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.

## **DIVISION 7. PRETREATMENT**

### **Sec. 75-79. Wastewaters with special characteristics.**

(a) While the county administrator 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 county administrator or his authorized designee 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) Carry out all inspection, surveillance and monitoring necessary to determine compliance with applicable pretreatment requirements;
- (6) Obtain remedies for noncompliance by any user. Such remedies may include injunctive relief, the civil penalties specified in division IX of this article, or appropriate criminal penalties; or
- (7) Reject the wastewater if evidence discloses that discharge will create unreasonable hazards or have unreasonable deleterious effects on the treatment works or treatment facilities.

(b) When considering the above alternatives, the county administrator shall assure that conditions of the county's permit are met. The county administrator shall also take into consideration cost effectiveness, the economic impact of the alternatives, and the willful noncompliance of the discharger. If the county administrator allows the pretreatment or equalization of wastewater flows, the installation of the necessary facilities shall be subject to review. The county administrator shall review and recommend any appropriate changes to the program, within thirty (30) days of submittal.

(c) Where pretreatment or 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.

### **Sec. 75-80. Compliance with pretreatment requirements.**

Persons required to pretreat wastewater in accordance with section 75-79 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, describe 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 county administrator as described in section 75-75(b)(9). The plan (including schedules) shall be consistent with applicable conditions of the county's permit or other local, state or federal laws.

#### **Sec. 75-81. Monitoring requirements.**

Discharges of wastewater to the county's treatment works from the facilities of any industrial user or significant discharger shall be monitored in accordance with provisions of the user's permit.

#### **Sec. 75-82. 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 establishes pretreatment standards or establishes that such user is exempt from pretreatment standards, such federal regulations shall immediately supersede section 75-79, if they are more stringent.

#### **Sec. 75-83. Certification.**

All reports and permit applications must be signed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and if not, whether additional O&M and/or additional pretreatment is required to meet the pretreatment standards and requirements.

### **DIVISION 8. WASTEWATER SERVICE CHARGES AND INDUSTRIAL COST RECOVERY**

#### **Sec. 75-84. Wastewater service charges.**

Charges and fees for the use of the public treatment works and treatment facility 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.

#### **Sec. 75-85. Industrial cost recovery.**

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

#### **Sec. 75-86. Determination of system use.**

(a) The use of the county'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 section 75-77 to the extent such measurement and analysis is considered by the county administrator 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 county administrator when determining actual use of the county'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 county administrator.

The actual average water use by each residential user (Class I) during the three (3) months of (January, February and March) shall be used as the measure of each respective residential user's actual use of the sewer system throughout the year.

## **DIVISION 9. ENFORCEMENT**

### **Sec. 75-87. Harmful contributions.**

(a) The county may suspend the wastewater treatment service and/or a user permit when such suspension is necessary, in the opinion of the county, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of person, to the environment, causes interference to the treatment facilities or causes the county to violate any condition of town's 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 county shall take such steps as deemed necessary including immediate severance of the sewer connection and/or the 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 county shall reinstate the user permit and/or the wastewater treatment service upon proof of the elimination of the non-complying 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 county within fifteen (15) days of the date of occurrence.

### **Sec. 75-88. Revocation of permit.**

Any user who violates the following conditions of this article, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of division IX of this article for:

- (1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;
- or
- (4) Violation of conditions of the permit.

### **Sec. 75-89. Notification of violation.**

Whenever the county finds that any user has violated or is violating this article, user permit, or any prohibition, limitation or requirements contained herein, the county may serve upon such

person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the county by the user.

### **Sec. 75-90. Show cause hearing.**

(a) The county 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 ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

(b) The county administrator may conduct the hearing and take the evidence or may designate any of its members or any officer or employee of the public works department to:

(1) Issue in the name of the county administrator notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;

(2) Take the evidence;

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the county administrator for action thereon.

(c) At any hearing held pursuant to this article, 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 county administrator 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.

### **Sec. 75-91. Legal action.**

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

### **Sec. 75-92. Penalties.**

The county administrator shall have the authority to assess on any user who is found to have violated an order of the county administrator or who failed to comply with any provision of this article and the orders, rules, regulations and permits issued hereunder a penalty of one thousand dollars (\$1,000.00) per day per violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

### **Sec. 75-93. 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 article, or user permit, or who falsifies any monitoring device or method required under this article, shall upon conviction, be guilty of a Class I misdemeanor.