

Chapter 71 Sewers and Sewer Use

ARTICLE I. GENERAL PROVISIONS

Sec. 71- 1. Purpose.

The purpose of this chapter is to provide for the maximum possible beneficial public use of the Town of Cape Charles 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. 71- 2. Scope.

- (1) The definitions of terms used in this chapter are found in Article II. The provisions of this chapter shall apply to the discharge of all wastewater to treatment works of the Town. This chapter provides for use of the Town's treatment works, regulation of sewer construction, control of the quantity and quality of wastewater discharged, wastewater pretreatment, equitable distribution of costs, assurance that existing customers' capacity will not be preempted, approval of sewer construction plans, issuance of User Permits, minimum sewer connection standards and conditions, and penalties and other procedures in cases of violation.
- (2) This chapter shall apply to the Town of Cape Charles and to persons outside the Town who are, by contract, permit or agreement with the Town, users of the Town's treatment works.

Sec. 71- 3. Administration.

The Director of Public Utilities, under the direction of the Town Manager, shall administer, implement, and enforce the provisions of this chapter. The Director of Public Utilities is the manager of the Town's treatment works.

Sec. 71- 4. Fees and Charges.

- (1) All fees and charges payable under the provisions of this chapter shall be paid to the Town of Cape Charles. Such fees and charges shall be as set forth herein or as established by the Town Council.
- (2) Connection charges are due and payable as prescribed in Section 71-42.
- (3) Service charges are due and payable as prescribed in Chapter 72. Unpaid service charges shall become delinquent and shall be subject to penalty charges.

Sec. 71- 5. Inspections.

- (1) The Director of Public Utilities, Town Manager or authorized State or Federal officials, bearing the proper credentials and identification, shall be permitted to enter all premises where an effluent source or treatment system is located at any reasonable time for the purposes of inspection, observation, measurement, 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 chapter and the Virginia Sewage Collection and Treatment Regulations.
- (2) The Director of Public Utilities or Town Manager, bearing proper credentials and identification, shall be permitted to access all private property through which the Town holds an easement for the purposes of inspection, observation, measurement, sampling,

repair, and maintenance of any of the Town's treatment works lying within the easement. All entry, and any subsequent work on the easement, shall be done in accordance with the terms of the easement pertaining to the private property involved.

- (3) While performing any necessary work on private properties referred to in Sections 71-5(a) and (b) above, the Director of Public Utilities shall observe all safety and occupational rules established by the owner or occupant of the property and applicable to the premises.

Sec. 71- 6. Vandalism.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the Town's treatment works. Any person who violates this section shall be guilty of a class 1 misdemeanor.

Sec. 71- 7. Separability.

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. 71- 8. Violations of Chapter and Liability for Damages.

- (1) Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a class 3 misdemeanor; see Section 1-10.
- (2) Any person violating any provision of this chapter shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

Sec. 71- 9. Amendments.

Public notice shall be given in accordance with applicable provisions of the Town Charter, other Town ordinances, State and Federal law, prior to adoption of any amendments.

ARTICLE II. DEFINITIONS

Sec. 71- 21. Specific Definitions.

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

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

"**Approval Authority**" means the Executive Director or Director of the 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; or
- (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 Director of Public Utilities 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 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) & 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.

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

"Director" shall mean the Director of Public Utilities, who is responsible for managing the Town of Cape Charles Wastewater System, or an authorized designee.

"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.

"Ground Water" shall mean any 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" means 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.

"May" is permissible; **"Shall"** is mandatory.

"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, municipality, 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, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste, biological materials, radio active material, heat wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial waste, and certain characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).

"POTW, 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 Town of Cape Charles treatment works.

"Pretreatment Requirements" 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) of the Act, which applies to Industrial users.

“Process Water” shall mean liquid resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources, excluding sanitary wastewater.

"Properly Shredded Garbage" 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 ½ inch in any dimension.

"Residential User (Class 1)" 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.

"Significant Industrial User" shall be defined as follows:

- (1) Has a process wastewater flow of 25,000 gallons or more per average work day, excluding sanitary, non-contact cooling and boiler blowdown wastewater;
- (2) Contributes a process waste stream which makes up 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 71-63 of this Ordinance 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 (1) - (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.

"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.

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

"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 chapter.

"VPDES" shall mean Virginia Pollutant Discharge Elimination System permit program, as administered 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.

"WPCF" shall mean the Water Pollution Control Federation.

Sec. 71- 22. General Definitions.

Unless the context of usage indicates otherwise, the meaning of terms in this chapter and not defined in Section 71 -21 above, shall be as defined in the Glossary: Water and Wastewater Control Engineering prepared by Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association, and Water Pollution Control Federation, Copyright 1969.

ARTICLE III - USE OF TREATMENT WORKS & TREATMENT FACILITY

Sec. 71- 31. 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 Town of Cape Charles, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or other objectionable waste.

Sec. 71- 32. Wastewater Discharges.

It shall be unlawful under State and Federal Law to discharge without a VPDES permit to any natural outlet within the Town of Cape Charles or in any area under its jurisdiction. Wastewater discharges to the Town's treatment works are not authorized unless permitted by the Director in accordance with provisions of this chapter.

Sec. 71- 33. Wastewater Disposal.

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

Sec. 71- 34. Connection to Treatment Works Required.

The owner of any house, building, or property which is used for commercial, industrial and/or residential purposes, abutting on any street, alley, or rights-of-way in which there is or may be located a sewer connected to the treatment works of the Town, is required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly to the proper sewer in accordance with the provisions of this chapter, within 90 days after notice that sewer is available within 100 feet of the property line. This section shall not apply to any person served by a privately constructed, owned, operated, and maintained sewer and treatment facility which discharges directly to a natural outlet in accordance with the provisions of this chapter and applicable State and Federal laws.

ARTICLE IV. BUILDING SEWERS AND CONNECTIONS

Sec. 71- 41. Connection Permit.

- (1) No person shall uncover, make any connections with, use, alter, or disturb any wastewater sewer or storm sewer without first obtaining a written permit from the Director.
- (2) There shall be two classes of permits for connections to the Town's Treatment Works & Treatment Facilities: Class I – residential, Class II – industrial. In all cases, the owner shall make application for a permit to connect to the Town's treatment works on a form furnished by the Town. The permit application shall be supplemented by wastewater information required to administer this chapter. The connection permit shall be applied for at the same time as the building permit.

Sec. 71- 42. Connection Charges.

- (1) Connection charges shall consist of a connection fee and a facility fee. The connection fee contributes to the Town's costs associated with maintaining the treatment works. The facility fee covers the capital cost of creating treatment works capacity.
- (2) Class I - The connection fee shall be \$875 and the facility fee shall be \$6,600, for a total charge of \$7,475. Such charge, plus \$100 for inspection fees and review fees,

shall be paid to the Building Department at the time of building permit issuance, or to the Town Treasurer pursuant to any payment programs authorized by Town Council, prior to the initiation of connection related construction activities.

- (3) Class II – The connection fee shall be \$875. The facility fee shall be calculated on a consumption based formula as follows: Class I facility fee + (Class I facility fee x residential equivalent x 10%). Residential equivalent shall be the estimated daily water consumption rate for the building, as defined by the Virginia Department of Health Waterworks Regulations, divided by the residential daily water consumption rate of 125 gallons per day. For buildings qualifying under chapter 66, article VIII of this Code, the facility fee used in the consumption based formula shall be \$1,375, rather than the Class I facility fee, if construction activity is commenced after the submission of the application or within the ten-year period of tax exemption. The inspection and review fees above also apply to Class II permits.

Sec. 71- 43. Connection Costs.

The costs and expenses incidental to the building sewer installation and connection to the Town's treatment works shall be borne by the owner. This shall include the installation of sewer laterals between the owner's property line and the sewer main or other mutually agreeable point. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer and laterals.

Sec. 71- 44. Separate Connections Required.

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

Sec. 71- 45. Existing Building Sewers.

Existing building sewers may be used for connection of new buildings only when they are found, on examination and testing by the Director, to meet the requirements of this chapter.

Sec. 71- 46. Building Sewer Design.

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

Sec. 71- 47. Building Sewer Elevation.

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

Sec. 71- 48. Surface Runoff and Groundwater Drains.

No person shall connect roof, foundation, basement sump pumps, areaway, parking lot, roadway, or other surface runoff or groundwater drains to any sewer which is connected to a treatment works. Such drains shall discharge to natural outlets or storm sewers.

Sec. 71- 49. Conformance to Applicable Codes.

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

Sec. 71- 50. Connection Inspection.

The applicant for a building sewer connection permit shall notify the Director when such sewer connection, including laterals, is ready for inspection prior to its connection to the Town's treatment works. Such connection inspections and testing as deemed necessary by the Director shall be made by the Director or a designated inspector. No connection to the treatment works shall be authorized unless such materials and workmanship are approved by the inspector. Lateral lines and connections shall be left completely exposed until the inspection has been completed.

Sec. 71- 51. Protection of Capacity for Existing Users.

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

ARTICLE V. CONDITIONS TO USE THE TOWN'S TREATMENT WORKS

Sec. 71- 61. Uses of Treatment Works.

All discharges of storm water, surface water, basement sump pumps, 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. 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 ordinance.

Sec. 71- 62. Industrial User, General Prohibition Upon.

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

Sec. 71- 63. Restricted Discharges.

- (1) No person shall discharge or cause to be discharged to any of the Town's treatment works any substances, materials, waters, or wastes in such quantities or concentrations which do or are likely to:
 - (a) Create a fire or explosion hazard including, but not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas; waste

stream with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using test methods specified in 40 CFR 261.21;

- (b) Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater facilities, but in no case discharges having a pH lower than 5.0 or greater than 11.0;
 - (c) Cause obstruction to the flow in sewers, or other interference with the operation of treatment facilities due to accumulation of solid or viscous materials;
 - (d) 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;
 - (e) Contain heat in amounts which are likely to accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the treatment works or inhibit biological activity in the treatment facilities, but in no case shall the discharge of heat cause the temperature in the Town's wastewater sewer to exceed 65 degrees C (150 degrees F) or the temperature of the influent to the treatment facilities to exceed 40 degrees C (104 degrees F) unless the facilities can accommodate such heat and the Town has obtained prior approval from the approval authority;
 - (f) Contain more than 100 milligrams per liter of non-biodegradable oils of mineral or petroleum origin;
 - (g) Contain floatable oils, fat, or grease;
 - (h) Contain noxious gases, vapors or fumes, malodorous gas or substance in quantities that may cause a public nuisance or cause acute human or safety problems;
 - (i) Contain radioactive wastes in harmful quantities as defined by applicable State and Federal regulations;
 - (j) Contain any garbage that has not been properly shredded;
 - (k) Contain any odor or color producing substances exceeding concentration limits which may be established by the Director for purposes of meeting the Town's VPDES permit;
 - (l) Petroleum oil, nonbiodegradeable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through;
 - (m) Any trucked or hauled pollutants except at designated discharge points.
- (2) If, in establishing discharge restrictions, discharge limits, or pretreatment standards pursuant to this Article, the Director establishes concentration limits to be met by a user, the Director 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.

Sec. 71- 64. Categorical Pretreatment Standards.

- (1) No person shall discharge or cause to be discharged to any treatment works wastewater containing substances subject to an applicable Categorical Pretreatment Standard

promulgated by 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 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.

- (2) The Director shall notify any industrial user affected by the provisions of this Section and establish an enforceable compliance schedule for each.
- (3) No person shall discharge trucked hazardous wastes to the Town's treatment works.

Sec. 71- 65. Special Agreements.

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

Sec. 71- 66. Water & Energy Conservation.

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

Sec. 71- 67. Excessive Discharge.

No user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Town or State.

Sec. 71- 68. Accidental Discharges.

- (1) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Town for review, and shall be approved by the Town before construction of the facility. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Town. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this ordinance. 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.
- (2) Within five (5) days following an accidental discharge; the user shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such

notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the treatment works and treatment facility, fish kills, or any other damage to 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.

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

ARTICLE VI. INDUSTRIAL DISCHARGERS

Sec. 71- 71. Information Requirements.

- (1) All industrial dischargers shall file with the Town wastewater information deemed necessary by the Director for determination of compliance with this chapter, the Town's VPDES permit conditions, and State and Federal law. Such information shall be provided by completion of a questionnaire designed and supplied by the Director 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 71- 71. (c).
- (2) 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.
- (3) Information and data on an industrial discharger 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 discharger specifically requests and is able to demonstrate to the satisfaction of the Town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the discharger. 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 chapter, the Virginia Pollutant Discharge Elimination System (VPDES) Permit, the State Disposal System permit and/or the Pretreatment Programs, provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Town as confidential shall not be transmitted to any governmental agency or to the general public by the Town until and unless a ten day notification is given to the discharger.

Sec. 71- 72. User Permits.

- (1) 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 (180) days after the effective date of this chapter.
- (2) Significant Industrial Users required to obtain a Permit shall complete, and file with the Town, an application in the form prescribed by the Town, and accompanied by a fee of \$60. Existing Significant Industrial Users shall apply for a Permit within (30) days after the effective date of this chapter, and proposed new Significant Industrial Users

shall apply at least (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:

- (a) Name, address, and location (if different from address);
- (b) SIC number according to the Standards Industrial Classification Manual, Bureau of the Budget, 1987, as amended;
- (c) Wastewater constituents and characteristics including but not limited to those mentioned in Article V, Section 71-63 of this chapter as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;
- (d) Time and duration of contribution;
- (e) Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by their size, location and elevation;
- (g) Description of activities, facilities and plant processes on the premises including all constituents which are or could be discharged;
- (h) 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 operations and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (i) If additional pretreatment and/or operations and maintenance 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:

- i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- ii) No increment referred to in paragraph (i) shall exceed (1) year.
- iii) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress; the reason for delay, and the steps

being taken by the user to return the construction to the schedule established. In no event shall more than 1 year elapse between such progress reports.

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

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

- (3) Within 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 timeframe 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 Section 71-72 (b), the user shall apply for a User Permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing User Permit shall submit to the Director, within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard, the information required by paragraph (8) and (9) of Section 71-72 (b) of this Article.
- (4) Permit Conditions:

User Permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the Town. Permits shall contain the following:

- (a) Limits on the average and maximum wastewater constituents and characteristics;
- (b) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (c) Requirements for installation and maintenance of inspection and sampling facilities, including sampling requirements and reporting procedures;
- (d) Compliance schedules;
- (e) Requirements for submission of technical reports or discharge reports - See Section 71 -73;
- (f) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Town, and affording the Town access thereto;
- (g) Requirements for notification of the Town for any new introduction of wastewater constituents or any substantial change in volume or character of the wastewater constituents being introduced into the treatment works;

- (h) Requirements for immediate notification of slug discharges;
 - (i) Other conditions as deemed appropriate by the Town to ensure compliance with this chapter.
- (5) User Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Town during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (6) 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. 71-73. Reporting Requirements for Permittee.

- (1) Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the wastewater treatment facilities, any user subject to pretreatment standards and requirements shall submit to the Director 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 operations and maintenance 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 71-73 (b) (2) below. This statement shall be signed by an authorized representative of the user, and certified to by a qualified professional.
- (2) (a) 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 Director during the months of June and December, unless required more frequently in the pretreatment standard or by the Director, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such pretreatment standard. 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 Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted.
- (b) The Director may 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 Director, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the permit. All analysis shall be performed in accordance with procedures established by EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or 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.

Sec. 71- 74. Provision for Monitoring.

- (1) When required by the Director, 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 Director. The access shall be provided and maintained at the owner's expense so as to be safe and accessible at reasonable times.
- (2) The Director 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.
- (3) Where the Director determines access and equipment for monitoring or measuring Class II wastewater discharges is not practicable, reliable, or cost effective, the Director may specify alternative methods of determining the characteristics of the wastewater discharge which will, in the Director's judgment, provide a reasonably reliable measurement of such characteristics.
- (4) Measurements, tests, and analyses of the characteristics of wastewater required by this chapter 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.
- (5) Fees for any given measurement, test, or analysis of wastewater required by this chapter and performed by the Town 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. 71- 75. Costs of Damage.

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

ARTICLE VII. PRETREATMENT

Sec. 71- 81. Wastewater with Special Characteristics.

- (1) While the Director should initially rely upon the National 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 Director may require any or all of the following:

- (a) Pretreatment by the user or discharger to a condition acceptable for discharge to the treatment works;
 - (b) Control over the quantities and rates of discharge;
 - (c) Development of compliance schedules to meet any applicable pretreatment requirements;
 - (d) Submission of reports necessary to assure compliance with applicable pretreatment requirements;
 - (e) Inspection, surveillance, and monitoring necessary to determine compliance with applicable pretreatment requirements;
 - (f) Remedies for noncompliance by any user. Such remedies may include injunctive relief, the civil penalties specified in Article IX of this chapter, or appropriate criminal penalties; or
 - (g) Rejection of the wastewater if evidence discloses that discharge will create unreasonable hazards or have unreasonable deleterious effects on the treatment works or treatment facilities.
- (2) When considering the above alternatives, the Director shall assure that conditions of the Town's permit are met. The Director shall also take into consideration cost effectiveness, the economic impact of the alternatives, and the willful noncompliance of the discharger. If the Director allows the pretreatment or equalization of wastewater flows, the installation of the necessary facilities shall be subject to review. The Director shall review and recommend any appropriate changes to the program, within (30) days of submittal.
- (3) 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. 71- 82. Compliance with Pretreatment Requirements.

Persons required to pretreat wastewater in accordance with Section 71-81 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 Director as described in Article VI, Section 71-72 (b) (9). The plan shall be consistent with applicable conditions of the Town's Permit or other local, State or Federal laws.

Sec. 71- 83. Monitoring Requirements.

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

Sec. 71- 84. 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 71-81 (a) of this article if they are more stringent.

Sec. 71- 85. 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 operations and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements.

ARTICLE VIII. WASTEWATER SERVICE CHARGES AND INDUSTRIAL COST RECOVERY

Sec. 71- 91. 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. 71- 92. Industrial Cost Recovery.

Industrial users of the Town's treatment works and treatment facility will also be assessed industrial cost recovery charges as required by the Federal Water Pollution Control Act Amendments of 1972. These charges will recover the portion of the cost of construction of the treatment works and treatment facility, financed by EPA grants, which is allocable to the treatment of industrial wastes as prescribed in the Code of Federal Regulations, 40 CFR Part 35, Subpart E.

Sec. 71- 93. Determination of System Use.

- (1) The use of the Town's treatment works and treatment facilities shall be based upon actual measurement and analysis of each user's wastewater discharge, to the extent such measurement and analysis is considered by the Director to be feasible and cost-effective.
- (2) Where measurement and analysis is not considered feasible, determination of use of the treatment works and treatment facilities shall be based upon the quantity of water used, whether purchased from the Town's water system or obtained from a private source.
- (3) When a user's source of water is from a deep well, the property owner shall cause to be installed a water meter of the type currently used by the Town's water system to measure the consumption of water, and shall pay for sewer service an amount equal to what the bill would have been had the property been connected to the Town's water system. The meter shall be read as if it were a public meter with the same right of access and system protection as provided in Chapter 70. At the request of the property owner, the required meter and fittings may be furnished and installed by the Town at cost.

ARTICLE IX. ENFORCEMENT

Sec. 71- 101. Harmful Contributions.

- (1) The Town may suspend the wastewater treatment service and/or a User Permit when such suspension is necessary, in the opinion of the Town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of humans, to the environment, causes interference to the treatment facilities or causes the Town to violate any condition of its VPDES Permit.
- (2) Any person notified of a suspension of the wastewater treatment service and/or the User Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary, including immediate severance of the sewer connection and/or 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 Town 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 Town within 15 days of the date of occurrence.

Sec. 71- 102. Revocation of Permit.

A user is subject to having his permit revoked for violation of applicable State and Federal regulations or the following:

- (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. 71- 103. Notification of Violation.

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

Sec. 71- 104. Show Cause Hearing.

- (1) The Town may order any user who causes or allows an unauthorized discharge to show cause why the proposed enforcement action should not be taken. Such hearings shall be preceded by a notice being served on the user specifying the time and place of the hearing, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
- (2) The Director may conduct the hearing and take the evidence, or may designate any officer or employee of the Town to:

- (a) Issue in the name of the Director notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - (b) Take the evidence;
 - (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Director for action thereon.
- (3) At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded. 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.
- (4) After the Director 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 have been installed and existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

Sec. 71- 105. Legal Action.

If any person discharges sewage, industrial wastes or other wastes into the Town’s treatment works contrary to the provisions of this chapter, applicable Federal or State Pretreatment Requirements, or any order of the Town, or if any industrial user refuses access to the Director or his designee for purposes of inspection, the Town may commence an action for appropriate legal and/or equitable relief in the Circuit Court.

Sec. 71- 106. Penalties.

- (1) Any person or user that violates the provisions of this chapter or a User Permit hereunder shall be subject to a penalty of \$1,000 per day and/or shall, upon conviction, be guilty of a class II misdemeanor for each day the violation continues.
- (2) Each day, or portion thereof, a violation continues shall constitute a separate violation.

Sec. 71- 107. 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 chapter, or User Permit, or who falsifies any monitoring device or method required under this ordinance, shall upon conviction, be guilty of a Class I misdemeanor.

ARTICLE X. PRIVATE SEWAGE DISPOSAL SYSTEMS

Sec. 71- 111. General Prohibition.

Except as specifically provided herein, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

Sec. 71- 112. Required When Public Sewer Not Available.

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

Sec. 71- 113. Permit.

Before commencement of construction of a private sewage disposal system, the owner shall obtain a permit signed by the Director. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications and other information deemed necessary by the Director. A permit and inspection fee, in such amount as prescribed by the Town Council, shall be paid to the Town at the time the application is filed.

Sec. 71- 114. Design.

The type, capacity, location and layout of a private sewage disposal system shall comply with all regulations of the state department of health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Sec. 71- 115. Inspection.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Director. The Director, or his designee, shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Director when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Director.

Sec. 71- 116. Operation and Maintenance.

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

Sec. 71- 117. Abandonment When Public Sewer Becomes Available.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, a connection shall be made as provided in Section 71-34, and the private sewage disposal system shall be abandoned, cleaned of sludge and filled with clean gravel or dirt.

Sec. 71- 120. Additional Requirements of Health Officer.

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the health officer.