

# **TITLE 5**

## **Water and Sewer**

- Chapter 1 Water Supply
- Chapter 2 Sewage Disposal

### **CHAPTER 1**

#### **Water Supply**

State Law Reference: Authority of town with regard to water and sewers, Va. Code, Secs. 15.2-2143 and 15.2-2122 et seq.

#### **Article A**

##### **Water Supply**

- § 5-1-1 Meters.
- § 5-1-2 Schedule of water rates.
- § 5-1-3 Deposit required.
- § 5-1-4 Cutting on water after discontinuance.
- § 5-1-5 Charges constitute lien.
- § 5-1-6 Must connect to water and sewer before occupying any building.
- § 5-1-7 Unlawful to tamper with meter or any parts thereof.
- § 5-1-8 Only authorized persons to use water from public hydrants.
- §§ 5-1-9 through 5-1-19 reserved

#### **Article B**

##### **Cross Connection Control and Backflow Prevention**

- § 5-1-20 Cross Connection Control and Backflow Prevention.
- § 5-1-21 Definitions.
- § 5-1-22 Inspections.
- § 5-1-23 Deny or discontinue water service.
- § 5-1-24 Protection from Possible Contamination or Pollution.
- § 5-1-25 Supplement to the Plumbing Codes.
- § 5-1-26 Penalties.
- §§ 5-1-27 through 5-1-29 reserved

#### **Article C**

##### **Drought Response**

- § 5-1-30 Short title.
- § 5-1-31 Purpose.
- § 5-1-32 Scope.
- § 5-1-33 Drought Response Plan.
- § 5-1-34 Drought Indicators.
- § 5-1-35 Drought Stages.
- § 5-1-36 Declaration.
- § 5-1-37 Drought Stage Responses.
- § 5-1-38 Waiver of Restrictions.
- § 5-1-39 Penalties.

#### **Article A**

##### **Water Supply**

Sec. 5-1-1 Meters.

(a) Every regular consumer of water shall be supplied with a meter by the town, which meter shall be under the exclusive control of the town, for which the consumer shall deposit an amount as determined by the council and filed in the clerk-treasurer's office; this amount shall be refunded by the town in the event that such consumer discontinues the use of town water, less all charges which may stand against such consumer.

(b) Water meters shall be located at the property line adjacent to a street or alleyway or at such other location as determined by the town. The person in whose name the service is rendered shall be responsible for water rents.

Sec. 5-1-2 Schedule of water rates.

The schedule of water rates as set from time to time by the council shall be kept current and maintained in the office of the clerk-treasurer.

Sec. 5-1-3 Deposit required.

Each user of water supplied by the town waterworks system shall deposit with the clerk-treasurer an amount determined by the council as a water deposit. This amount shall remain on deposit in the town treasury as a guarantee for water rent. In the event that such customer fails to pay the water rent, then the clerk-treasurer shall apply the deposit towards liquidation of amount due by the customer, and the water supply to his premises shall be discontinued and shall be resumed only when the delinquent account has been paid in full.

Sec. 5-1-4 Cutting on water after discontinuance.

Each customer, from whose premises the supply of water has been discontinued, shall pay any and all water rents due, delinquent penalties and a reconnection fee as fixed by the council.

Sec. 5-1-5 Charges constitute lien.

Charges for water shall be a lien upon the premises as provided by law.

Sec. 5-1-6 Must connect to water and sewer before occupying any building.

It shall be unlawful for any person to occupy any building used as a residence, business or otherwise equipped with functional plumbing fixtures unless the same is connected with the water system of the town.

Sec. 5-1-7 Unlawful to tamper with meter or any parts thereof.

It shall be unlawful for any person to remove, tamper or in any way meddle with any water meter box, rim cover thereto, or any part of such water meter box.

Sec. 5-1-8 Only authorized persons to use water from public hydrants.

No person, except the chief of the fire department or other authorized persons, shall take water from any public hydrant, plug, street washer or drain cock.

§§ 5-1-9 through 5-1-19 reserved

**Article B**  
**Cross Connection Control and Backflow Prevention**

Sec. 5-1-20 Cross Connection Control and Backflow Prevention.

The Town of Burkeville hereby adopts by reference Section 6.00 Cross-Connection and Backflow Prevention Control in Waterworks, Commonwealth of Virginia Waterworks Regulations.

Sec. 5-1-21 Definitions.

Air Gap Separation 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 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 The flow of contaminants, pollutants, process fluids, used water, untreated waters, chemicals, gases, non-potable waters into any part of a waterworks.

Backflow Prevention Device Any approved device, method, or type of construction intended to prevent backflow into a waterworks.

Consumer The owner or person in control of any premises supplied by or in any manner connected to a water works.

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

Contamination Any introduction into pure water of microorganisms, wastes, wastewater, undesirable chemicals, or gases.

Cross-Connection Any connection or structural arrangement, direct or indirect, to the waterworks whereby backflow can occur.

Degree of Hazard This 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 An approved assembly composed of two 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 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 An arrangement of device that will allow alternate but not simultaneous use of two sources of water.

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

Process Fluids 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 not limited to:

- (a) Polluted or contaminated waters
- (b) Process waters
- (c) Used waters originating from the waterworks which may have deteriorated in sanitary quality
- (d) Cooling waters
- (e) Contaminated natural waters taken from wells, lakes, streams, or irrigation systems

(f) Chemicals in solution or suspension

(g) 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 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 for domestic usage in the area served and normally adequate in supply for the minimum health requirement of the persons served.

Reduced Pressure Principle Backflow Prevention Device A device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shut-off 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 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 the downstream end of the meter.

System Hazard - A condition posing an actual, or threat of, damage to the physical properties of the waterworks or a consumer's water system.

Used Water - 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 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 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 Title 62.1, Chapter 4, Section 62.1-45a, Code of Virginia 1950, as amended.

#### Sec. 5-1-22 Inspections.

(a) That it shall be the duty of the Town of Burkeville to cause inspections to be made of properties served by the waterworks where cross-connection with the waterworks is deemed possible. The frequency of inspections, and re-inspections, based on potential health hazards involved, shall be established by The Town of Burkeville in the Cross-Connection Control and Backflow Prevention Program and as approved by the Virginia Department of Health.

(b) That the representative of the Town of Burkeville shall have the right to enter at any reasonable time properties served by a connection to the waterworks of Burkeville for the purpose of inspecting the piping system or systems for cross-connections. Upon request, the owner, or occupants, of property served shall furnish to the inspection agency pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections.

#### Sec. 5-1-23 Deny or discontinue water service.

(a) The property owner shall be responsible to provide and install an approved backflow prevention device for all new connections to the town waterworks.

(b) That the water purveyor may deny or discontinue the water service to a consumer if the required back flow prevention device is not installed. If it is found that the device(s) has been removed or bypassed or if a cross-connection exists on the premises, or if the pressure in the waterworks is lowered below 10 psi gauge, the purveyor shall take positive action to ensure 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 of Virginia Waterworks Regulations and to the satisfaction of the purveyor.

Sec. 5-1-24 Protection from Possible Contamination or Pollution.

That the potable water made available on the properties served by the waterworks shall be protected from possible contamination or pollution by enforcement of this ordinance and Town of Burkeville 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.

Sec. 5-1-25 Supplement to the Plumbing Codes.

That this ordinance is a supplement to the applicable plumbing codes.

Sec. 5-1-26 Penalties.

That any person or customer found guilty of violating any of the provisions of this ordinance, or any written order of the Town of Burkeville, in pursuance thereof, shall be deemed guilty of a misdemeanor. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purposes of this ordinance.

§§ 5-1-27 through 5-1-29 reserved

**Article C  
Drought Response**

State Law Reference: Authority VA Code §15.2-924, 9VAC25-120

Sec. 5-1-30 Short title.

This Article shall be known and may be cited as the Drought Response Ordinance.

Sec. 5-1-31 Purpose.

The purpose of this Article is to provide for the voluntary and mandatory restriction of use of the Town of Burkeville public water supply system during declared water shortages or water emergencies.

Sec. 5-1-32 Scope.

This Article shall apply to all Town of Burkeville residents and businesses and out-of-town customers that are served by the public water system.

Sec. 5-1-33 Drought Response Plan.

The Burkeville Town Council shall adopt by resolution the Nottoway County Regional Water Supply Plan, which includes the Nottoway County Regional Drought Response and Contingency Plan.

Sec. 5-1-34 Drought Indicators.

Upon determination that drought indicator(s) exceed the threshold of a drought stage, as set forth in Nottoway County Regional Drought Response and Contingency Plan as outlined in Section 120 and Appendix 120 of the Nottoway County Regional Water Supply Plan, the Burkeville Town Council may declare a specific drought stage.

Sec. 5-1-35 Drought Stages.

The drought stages shall be Drought Watch, Drought Warning, and Drought Emergency, as determined by the Burkeville Town Council, pursuant to the Nottoway County Regional Drought Response and Contingency Plan and State Water Control Board regulation 9 VAC 25-120.

Sec. 5-1-36 Declaration.

Upon notification to the Burkeville Town Council that a drought stage exists, as defined in this Ordinance, the Burkeville Town Council may issue a declaration of a drought stage. The Town of Burkeville may declare a drought stage in the absence of a declaration by the Commonwealth of Virginia.

Sec. 5-1-37 Drought Stage Responses.

Upon declaration by the Burkeville Town Council of a Drought Watch or Drought Warning, voluntary conservation measures will be requested of customers as set forth in the Nottoway County Regional Drought Response and Contingency Plan. Upon declaration of a Drought Emergency, mandatory restrictions shall apply as set forth in the Plan.

Sec. 5-1-38 Waiver of Restrictions.

Upon prior written request by an individual, business, or other water user, the Burkeville Town Council, or its designee, may permit less than full compliance with any drought restrictions if good cause can be shown, including evidence that the applicant is affected in a substantial manner not common to other businesses or persons generally. No waiver shall be granted by the Burkeville Town Council or its designee unless the Burkeville Town Council or its designee determines that the public health, safety and welfare will not be adversely affected by the waiver. All waivers granted by the Council or its designee shall be reported at the Burkeville Town Council's next regular or special meeting.

Sec. 5-1-39 Penalties.

Any person who shall violate any of the provisions of this Article shall be guilty of a Class 3 Misdemeanor. Each separate act or each day's continuation of the violation shall be considered a separate offense.

**CHAPTER 2**  
**Sewage Disposal**

State Law Reference: Town sewage disposal systems, Va. Code, Sec. 15.2-2122 et seq.

**ARTICLE A**  
**An Ordinance for Mandatory Hook-Up for Sewer Service**

- § 5-2-1 Mandatory hook-up.
- § 5-2-2 Unlawful to occupy building unless connected.
- § 5-2-3 Schedule of sewer charges.

**ARTICLE B**  
**Sewer Use Ordinance**

- § 5-2-4 Purpose.
- § 5-2-5 Scope.
- § 5-2-6 Administration.
- § 5-2-7 Fees and charges.
- § 5-2-8 Inspections.
- § 5-2-9 Vandalism.
- § 5-2-10 Separability.
- § 5-2-11 Amendments of the Ordinance.
- § 5-2-12 Specific Definitions.
- § 5-2-13 General Definitions.
- § 5-2-14 Waste Disposal.
- § 5-2-15 Wastewater Discharges.
- § 5-2-16 Wastewater Disposal.
- § 5-2-17 Connection to Treatment Works Required.
- § 5-2-18 Connection Permit.
- § 5-2-19 Connection costs.
- § 5-2-20 Separate connections required.
- § 5-2-21 Existing building sewers.
- § 5-2-22 Building sewer design.
- § 5-2-23 Building Sewer Elevation.
- § 5-2-24 Surface Runoff and Groundwater Drains.
- § 5-2-25 Conformance to Applicable Codes.
- § 5-2-26 Connection Inspection.
- § 5-2-27 Excavation Guards and Property Restoration.
- § 5-2-28 Protection of capacity for existing users.
- § 5-2-29 Special uses of treatment works.
- § 5-2-30 Industrial user, general prohibition upon.
- § 5-2-31 Restricted discharges.
- § 5-2-32 Categorical Pretreatment Standards
- § 5-2-33 Special agreements.
- § 5-2-34 Water and energy conservation.
- § 5-2-35 Excessive discharge.
- § 5-2-36 Accidental discharges.
- § 5-2-37 Industrial Dischargers; Information Requirements.
- § 5-2-38 User Permits.
- § 5-2-39 Reporting Requirements for Permittee.

- § 5-2-40 Provision for Monitoring.
- § 5-2-41 Costs of Damage.
- § 5-2-42 Wastewaters with Special Characteristics.
- § 5-2-43 Compliance with Pretreatment Requirements.
- § 5-2-44 Monitoring Requirements.
- § 5-2-45 Effect of Federal Law.
- § 5-2-46 Wastewater Service Charges.
- § 5-2-47 Industrial Cost Recovery.
- § 5-2-48 Determination of System Use.
- § 5-2-49 Harmful Contributions.
- § 5-2-50 Revocation of Permit.
- § 5-2-51 Notification of Violation.
- § 5-2-52 Show Cause Hearing.
- § 5-2-53 Legal Action.
- § 5-2-54 Civil Penalties.
- § 5-2-55 Falsifying Information.

**ARTICLE A**  
**An Ordinance for Mandatory Hook-Up for Sewer Service**

Sec. 5-2-1 Mandatory hook-up.

The Town of Burkeville, Virginia requires mandatory hook-up to sewer service for all residents in the Town of Burkeville.

- (a) The Town of Burkeville will charge a sewer hook-up fee as established by Council in the annual budget.
- (b) Legal action will be taken to enforce hookup of sewer service.

Sec. 5-2-2 Unlawful to occupy building unless connected.

It shall be unlawful for any person to occupy any building used as a residence, business or otherwise equipped with functional plumbing fixtures unless same is connected with the sewer system of the town; where available.

Sec. 5-2-3 Schedule of sewer charges.

The schedule of sewer charges as set from time to time by the Council shall be kept current and maintained in the Office of the Clerk-Treasurer.

**ARTICLE B**  
**Sewer Use Ordinance**

Sec. 5-2-4 Purpose.

The purpose of this Ordinance is to provide for the maximum possible beneficial public use of the Town of Burkeville Sewage System through regulation of sewer construction, sewer use, and wastewater discharges; to provide for equitable distribution of the costs; and to provide procedures for complying with the requirements contained herein.

Sec. 5-2-5 Scope.

- (a) The definitions of terms used in this ordinance are found in Sec. 5-2-12. The provisions of this Ordinance shall apply to the discharge of all wastewater to the sewage system of the Town of Burkeville. This Ordinance provides for use of the Town of Burkeville's sewage system, regulation of sewer construction, control of the quantity and quality of wastewater discharged, wastewater pretreatment, equitable distribution of costs, assurance that existing customer's capacity will not be preempted, approval of sewer construction plans,

issuance of use permits, minimum sewer connection standards and conditions, and penalties and other procedures in cases of violation of this Ordinance.

(b) This Ordinance shall apply to the Town of Burkeville and to persons outside the Town of Burkeville who are, by contract, permit or agreement with the Town of Burkeville, users of the Town's sewage system.

#### Sec. 5-2-6 Administration.

Except as otherwise provided herein, the Town shall administer, implement, and enforce the provisions of this Ordinance.

#### Sec. 5-2-7 Fees and charges.

(a) All fees and charges payable under the provisions of this Ordinance shall be paid to the Town. Such fees and charges shall be as set forth herein or as established in the latest amendment to this Ordinance.

(b) All user fees, penalties and charges collected under this Ordinance shall be used for the sole purpose of constructing, operating or maintaining the sewage system of the Town, or the retirement of debt incurred for same.

(c) All fees and charges payable under the provisions of this ordinance are due and payable upon the receipt of notice of charges. Unpaid charges shall become delinquent and shall be subject to penalty and interest.

#### Sec. 5-2-8 Inspections.

(a) The Town or authorized State or Federal officials, bearing the proper credentials and identifications, 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, observations, 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 ordinance.

(b) The Town, bearing proper credentials and identifications, shall be permitted to enter all private property through which the Town holds an easement for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of any of the Town's sewer system 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 sections (a) and (b) above, the Town shall observe all safety and occupational rules established by the owner or occupant of the property and applicable to the premises.

#### Sec. 5-2-9 Vandalism.

No persons 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 treatment works. Any person who violates this section shall be guilty of a misdemeanor as provided in section 1-1-8 of this code.

#### Sec. 5-2-10 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. 5-2-11 Amendments of the Ordinance.

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

Sec. 5-2-12 Specific Definitions.

Unless the context of usage indicates otherwise, the meaning of specific terms in this Ordinance 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 State Water Control Board.

ASTM shall mean the American Society for Testing and Materials.

Authorized Representative of Industrial User shall mean:

- (a) A principal executive officer of at least the level of vice president if the industrial user is a corporation; or
- (b) A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively; or
- (c) A duly authorized representative of the individual designated in (a) or (b) above, if such representative is responsible for the overall operation of the facility from which the discharge to the POTW originates. The authorization must be submitted to the (Manager) 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.

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.

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.

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.

Industrial User or Significant Discharger means a source of indirect discharge, or a non-domestic 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 Manager of the Town's Wastewater System, or an authorized designee.

May, Shall "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.

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

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 institution, corporation, association, firm or company 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.

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 Burkeville Sanitary Sewer system.

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.

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 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.

Significant Industrial User shall be defined as follows:

(a) Has a process wastewater\* flow of 25,000 gallons or more per average work day;

\*(Excludes sanitary, non-contact cooling and boiler blowdown wastewater)

(b) Contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW;

(c) Is subject to categorical pretreatment standards; or

(d) Has significant impact, either singularly or in combination with other significant dischargers, on the treatment works or the quality of its effluent.

Standard Methods 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:

(a) 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;

(b) all interstate waters, including interstate "wetlands";

(c) 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:

- (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
- (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
- (3) Which are used or could be used for industrial purposes by industries in interstate commerce;

(d) all impoundments of waters otherwise defined as surface waters under this definition;

(e) tributaries of waters identified in paragraphs (a) - (d) of this definition;

(f) the territorial sea; and

(g) "Wetlands" adjacent to waters, other than waters that are themselves wetlands, identified in paragraphs (a) - (d) 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 Ordinance.

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. 5-2-13 General Definitions.

Unless the context of usage indicates otherwise, the meaning of terms in this ordinance and not defined in Section 5-2-12 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.

#### Sec. 5-2-14 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 Burkeville, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or other objectionable waste.

#### Sec. 5-2-15 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 Burkeville, or in any area under its jurisdiction. Wastewater discharges to the Town's sewage system are not authorized unless permitted by Town in accordance with provisions of this Ordinance.

#### Sec. 5-2-16 Wastewater Disposal.

Except as provided in this ordinance, 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 water in an area of Burkeville where sanitary sewer service is available.

#### Sec. 5-2-17 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 of Burkeville, 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 ordinance. 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 Ordinance and applicable State and Federal laws.

#### Sec. 5-2-18 Connection Permit.

(a) No person shall uncover, make any connections with, use, alter, or disturb any wastewater sewer or a storm sewer without first obtaining a written permit. from the Town of Burkeville.

(b) There shall be two classes of permits for connections to the Town's Sewer System.

- (1) CLASS I - Residential
- (2) CLASS II - Industrial

(c) In all cases, the owner shall make application for a permit to connect to the Town's sewage system on a form furnished by the Town. The permit application shall be supplemented by wastewater information required to administer this Ordinance. A permit and inspection fee as set in the Town's annual budget shall be paid to the Town at the time the application is filed.

#### Sec. 5-2-19 Connection Costs.

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

Sec. 5-2-20 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, court yard, or driveway, 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. 5-2-21 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 Town to meet the requirements of this Ordinance.

Sec. 5-2-22 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 application requirements of the Town of Burkeville and Nottoway County. 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. 5-2-23 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 sewage system, wastewater carried by such building drain shall be lifted by an approved means and discharged to a building sewer draining to the Town's sewer.

Sec. 5-2-24 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.

(b) Roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains shall discharge to natural outlets or storm sewers.

Sec. 5-2-25 Conformance to Applicable Codes.

The connection of a building sewer shall conform to the requirements of the building and plumbing code or other applicable requirements to the Town of Burkeville and Nottoway 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.

Sec. 5-2-26 Connection Inspection.

The applicant for a building sewer permit shall notify the Town when such sewer is ready for inspection prior to its connection to the Town's sewage system. Such connection inspections and testing as deemed necessary by the Town shall be made by the Town.

Sec. 5-2-27 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 Town.

Sec. 5-2-28 Protection of Capacity for Existing Users.

The Town shall not issue a permit for any class of connection to the Town's Sewage System unless there is sufficient capacity to convey the quantity of wastewater which the requested connection will add to the system. The Town may permit such a connection if there are legally binding commitments to provide the needed capacity.

Sec. 5-2-29 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. 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. 5-2-30 Industrial User, General Prohibition Upon.

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

Sec. 5-2-31 Restricted Discharges.

(a) No person shall discharge or cause to be discharged to any of the Town's sewer system any substances, materials, water, or wastes in such quantities or concentrations which do or are likely to:

- (1) create a fire or explosion hazard including, but not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas
- (2) Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater facilities, but in no case discharges 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 Town's wastewater sewer to exceed 58 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
- (6) Contain more than 100 milligrams per liter of nonbiodegradable oils of mineral or petroleum origin
- (7) contain floatable oils, fat, or grease
- (8) contain noxious, malodorous gas or substance which is present in quantities that create a public nuisance or a hazard to human or animal life
- (9) Contain radioactive wastes in harmful quantities as defined by applicable State and Federal regulations
- (10) Contain any garbage that has not been properly shredded
- (11) Contain any odor or color producing substances exceeding concentration limits which may be established for purposes of meeting the Correctional Facility's VPDES permit

(b) If, in establishing discharge restrictions, discharge limits, or pretreatment standards pursuant to the Article, the Town establishes concentration limits to be met by a user, the Town 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. 5-2-32 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 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 Town shall notify any industrial user affected by the provisions of this Section and establish an enforceable compliance schedule for each.

(c) No person shall discharge trucked hazardous wastes to the Town's treatment works.

#### Sec. 5-2-33 Special Agreements.

Nothing in this article shall be construed as preventing any agreement or arrangement between the Town and any user 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 payment or user charges as may be applicable.

#### Sec. 5-2-34 Water & Energy Conservation.

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

#### Sec. 5-2-35 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 Town or State.

#### Sec. 5-2-36 Accidental Discharges.

(a) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. 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 of the sewage system 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 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 sewage system of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(b) Within five days following an accidental discharge; the user shall submit to the Town 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 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.

#### Sec. 5-2-37 Industrial Dischargers; Information Requirements.

(a) All industrial dischargers shall file with the Town wastewater information deemed necessary by the Town for determination of compliance with this ordinance, the correctional Facilities VPDES permit conditions, and State and Federal law. Such information shall be provided by completion of a questionnaire designed and supplied by the Town 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 (c) of this article.

(b) Where a person own, operates or occupies properties designated as an industrial discharger at more than one location, separate information submittals shall be made for each location.

(c) Information and data on an Industrial User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

(d) 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 ordinance, 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.

(e) Information accepted by the Town as confidential, shall not be transmitted to any government agency or to the general public by the City until and unless a ten-day notification is given to the User.

#### Sec. 5-2-38 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.

(b) Significant Industrial Users required to obtain a Permit shall complete and file with the Town, an application in the form prescribed by the Town, and accompanied by a fee as set in the Town's annual budget. 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.

(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 § 5-2-30 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 the 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:
  - (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 one 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 Manager including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress; the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than 1 year elapse between such progress reports to the Manager.
- (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 maybe deemed by the Town to be necessary to evaluate the user permit application
- (14) The Town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Town may issue a User Permit subject to terms and conditions provided herein.

(c) Within 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 Section (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 Town within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraph (8) and (9) of Section (b) of this Article.

(d) Permit Conditions - User Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges and fees established by the Town. Permits may contain the following:

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (2) Limits on the average and maximum wastewater constituents and characteristics; (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 5-2-44; (Permits must contain this item)
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Town, and affording the Town access thereto; (Permits must contain this item)
- (9) Requirements for notification of the Town for any new introduction of wastewater constituents or any substantial change in volume or character of the wastewater constituents being introduced into the treatment works; (Permits must contain this item)
- (10) Requirements for immediate notification of slug discharges; (Permits must contain this item)
- (11) Other conditions as deemed appropriate by the Town to ensure compliance with this Ordinance.

(e) User Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Town during the term of the permit as limitations or requirements as identified in section 5-2-38, User Permits, are modified or other must cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) User Permits are issued to a specific user for a specific operation. A user permit shall not be reassigned or transferred or sold by the 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. 5-2-39 Reporting Requirements for Permittee.

Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the wastewater treatment facilities, any User subject to Pretreatment Standards and Requirements shall submit to the Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. In addition, the report shall contain the results of any sampling and analysis of the discharge as specified in Section (b) below. This statement shall be signed by an authorized representative of the User, and certified to by a qualified professional.

(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 Town during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Town, a report indicating the nature and concentration of pollutants in the effluent which are limited to 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 Town and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Town may agree to alter the months during which the above reports are to be submitted.

(b) The Town 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 is appropriate. In such cases, the report required by paragraph (b) 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 Town, 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.

(Comment: 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 by EPA.)

#### Sec. 5-2-40 Provision for Monitoring.

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

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

(d) Measurements, tests, and analyses of the characteristics of wastewater required by this ordinance 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 Ordinance 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. 5-2-41 Costs of Damage.

If the drainage or discharge from any establishment causes a deposit, obstruction, or damage to any of the Town's Sanitary Sewer System, the Town 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.

#### Sec. 5-2-42 Wastewaters with Special Characteristics.

(a) While the Town 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 Town 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 §§5-2-49 through 5-2-55 of this Ordinance, or appropriate criminal penalties
- (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 Town shall assure that conditions of the Town's permit are met. The Town shall also take into consideration cost effectiveness, the economic impact of the alternatives, and the willful noncompliance of the discharger. If the Town allows the pretreatment or equalization of wastewater flows, the installation of the necessary facilities shall be subject to review. The Town shall review and recommend any appropriate changes to the program, within three 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. 5-2-43 Compliance with Pretreatment Requirements

Persons required to pretreat wastewater in accordance with §5-2-42 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 Town as described in §5-2-38 (b) (9). The plan (including schedules) shall be consistent with applicable conditions of the Town's Permit or other local, State or Federal laws.

#### Sec. 5-2-44 Monitoring Requirements.

Discharges of wastewater to the Town's Sanitary Sewer System from the facilities of any user shall be monitored in accordance with the provisions of the User's permit.

#### Sec. 5-2-45 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 5-2-42 (a) of this article if they are more stringent.

Sec. 5-2-46 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. 5-2-47 Industrial Cost Recovery.

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

Sec. 5-2-48 Determination of System Use.

(a) The use of the Town's Sanitary Sewer System shall be based upon actual measurement and analysis of each user's wastewater discharge, in accordance with provisions of §5-2-40 to the extent such measurement and analysis is considered by the Town to be feasible and cost-effective.

(b) Where measurement and analysis is considered not feasible, determination of each user's use of the sanitary sewer system shall be based upon the quantity of water used whether purchased from a public water utility or obtained from a private source.

Sec. 5-2-49 Harmful Contributions.

(a) The Town may suspend the sanitary sewer 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 person, to the environment, causes Interference to the treatment facilities or causes the Town to violate any condition of its VPDES Permit.

(b) Any person notified of a suspension of the wastewater treatment service and/or the User Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary including immediate severance of the sewer connection and/or the seeking of legal and equitable relief in the circuit court, to prevent or minimize damage to the wastewater treatment facilities or endangerment to 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. 5-2-50 Revocation of Permit.

Any user who violates the following conditions of this Ordinance; or applicable state and Federal regulations, is subject to having his permit revoked in accordance with the procedures of §§5-2-49 through 5-2-55 of this Ordinance for:

- (a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge
- (b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics
- (c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring
- (d) Violation of conditions of the permit

Sec. 5-2-51 Notification of Violation.

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

#### Sec. 5-2-52 Show Cause Hearing.

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

(b) The Town may conduct the hearing and take the evidence, or may designate any of its members or officer or employee of the Town to:

- (1) Issue in the name of the Town notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings
- (2) Take the evidence
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Town for action thereon

(c) At any hearing held pursuant to this ordinance, 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 Town 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. 5-2-53 Legal Action.

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

#### Sec. 5-2-54 Civil Penalties.

The Town shall have the authority to assess on any user who is found to have violated an Order of the Town or who failed to comply with any provision of this Ordinance and the orders, rules, regulations and permits issued hereunder a penalty of \$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. 5-2-55 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 Ordinance, 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.