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Chapter 21
WATER AND SEWAGE DISPOSAL

Article 1. In General¹

Sec. 21-1-1. Approved method of disposal of human excrement required.

It shall be unlawful for the owner of any house used for human habitation, or other place where human beings congregate or are employed in the county to use or occupy, or to rent or lease the same for the use or occupancy by any person unless and until such house or building shall have been supplied or equipped with an approved method of disposal of human excrement of such construction as will comply with the requirements of this chapter. (Comp. 1974, ch. 12)

Sec. 21-1-2. Systems not covered by chapter.

Before construction is begun on any sewage disposal system not specifically covered by this chapter, the plan therefor shall be presented to the state health department for approval and for submission to the state water control board, if that agency's approval is required. (Comp. 1974, ch. 12)

Sec. 21-1-3. Misuse or neglect of toilets, etc.

It shall be unlawful for any owner or any tenant or lessee of any premises properly supplied with a sanitary privy or flush toilet or other approved device for the disposal of human excrement to misuse or neglect the same, so as to allow or cause it to cease to be sanitary. (Min. Bk. 5, pp. 95-96, 144; Min. Bk. 7, p. 277; Comp. 1974, ch. 12)

Sec. 21-1-4. Notice to correct violations.

If upon any inspection, the health officer or his authorized agent shall find any violation of this chapter or the provisions of any permit issued under it, he shall direct the person to whom the permit was issued by written notice to make the necessary corrections within such reasonable time as shall be specified therein. (Min. Bk. 5, pp. 95-96, 144; Min. Bk. 7, p. 277; Comp. 1974, ch. 12)

Sec. 21-1-5. Permit required for onsite sewage disposal system.²

¹For state law as to public utilities generally, see Code of Va., § 15.1-292 et seq. As to environmental health services generally, see Code of Va., § 32.1-163 et seq.

A. In addition to any permit required by the Virginia Department of Health for the installation of any onsite sewage disposal system pursuant to Virginia Code Section 32.1-164, the owner of each property in the County shall obtain a County permit from Fluvanna County prior to the construction, installation, modification or operation of a sewerage system for which a permit is required pursuant to the said Section 32.1-164. Such County permit issued by Fluvanna County shall be issued jointly with, and upon the same terms as, the permit issued by the Commonwealth.

B. The applicant for a County permit hereunder shall pay to Fluvanna County a fee of SEVENTY-FIVE DOLLARS (\$75.00).

C. Any applicant who shall be exempt from the payment of fees for the issuance of a permit for such system by the Virginia Department of Health shall likewise be exempt from the payment of any fee hereunder. Any applicant denied a construction permit based upon the regulations of the Virginia Department of Health governing such construction and eligible for refund of the state application fee shall be eligible for refund of the County application fee upon the same terms. (Ord. 1-21-98)

Sec. 21-1-6. Permit required for private water wells.³

A. In addition to any permit required by the Virginia Department of Health for the construction of any private water well pursuant to Virginia Code Section 32.1-176.4, the owner of each property in the County shall obtain a County permit from Fluvanna County prior to the construction of any private water well for which a permit is required pursuant to the said Section 32.1-176.4. Such County permit issued by Fluvanna County shall be issued jointly with, and upon the same terms as, the permit issued by the Commonwealth.

B. The applicant for a County permit hereunder shall pay to Fluvanna County a fee of TWENTY-FIVE DOLLARS (\$25.00).

C. Any applicant who shall be exempt from the payment of fees for the issuance of a permit for such system by the Virginia Department of Health shall likewise be exempt from the payment of any fee hereunder. Any applicant denied a construction permit based upon

²For County's authority to regulate septic systems, see Virginia Code Section 15.1-520.

³For County's authority to adopt regulations to prevent pollution of water, see Virginia Code Section 15.1-510. For County's authority to charge reasonable fees for issuance of permits, see Virginia Code Section 15.1-510.1.

the regulations of the Virginia Department of Health governing such construction and eligible for refund of the state application fee shall be eligible for refund of the County application fee upon the same terms. (Ord. 1-21-98)

Article 2. Cross-connections and Backflow Prevention.

Sec. 21-2-1. State regulations adopted.

The board of supervisors hereby adopts by reference Section 6.00, Cross-Connection and Backflow Prevention Control in Waterworks, Commonwealth of Virginia Waterworks Regulations. (Comp. 1974, ch. 12)

Sec. 21-2-2. Definitions.

For the purposes of this article, the following words and terms shall have the meanings respectively ascribed to them by this section:

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, nonpotable 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 waterworks.

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 or 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 could constitute a health, pollutional, or system hazard if introduced into the waterworks. This includes, but is not limited to:

- (1) Polluted or contaminated waters;
- (2) Process waters;
- (3) Used waters originating from the waterworks which may have deteriorated in sanitary quality;
- (4) Cooling waters;
- (5) Contaminated natural waters taken from wells, lakes, streams or irrigation systems;
- (6) Chemicals in solution or suspension; and

- (7) Oils, gases, acids, alkalis, and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting 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 shall 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 shall 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 in this county 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 section 32.1-167 of the Code of Virginia. (Comp. 1974, ch. 12)

Sec. 21-2-3. Inspections.

It shall be the duty of the board of supervisors 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 reinspection, based on potential health hazards involved, shall be established by the Fork Union sanitary district in the cross-connection control and backflow prevention program and as approved by the state department of health. (Comp. 1974, ch. 12)

Sec. 21-2-4. Right of entry of district representative; refusal of access or information deemed evidence of cross-connection.

The representative of the Fork Union sanitary district shall have the right to enter at any reasonable time properties served by a connection to the waterworks of the Fork Union sanitary district 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 systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connection. (Comp. 1974, ch. 12)

Sec. 21-2-5. Denial or discontinuance of service; protection of waterworks.

The water purveyor may deny or discontinue water service to a consumer if the required backflow prevention device is not installed. If it is found that the device has been removed or bypassed or if a cross-connection exists on the premises, or if the pressure in the waterworks is lowered below 10 psi gauge, the purveyor shall take positive action to insure that the waterworks is adequately protected at all times. Water service to such premises shall not be restored until the deficiencies have been corrected or eliminated in accordance with the state waterworks regulations and to the satisfaction of the purveyor. (Comp. 1974, ch. 12)

Sec. 21-2-6. Protection of potable water; unsafe outlets to be labeled.

The potable water made available on the properties served by the waterworks shall be protected from possible contamination or pollution by enforcement of this article and the county plumbing code. Any water outlet which could be used for potable or domestic purposes and is not supplied by the potable system shall be labeled as "Water Unsafe for Drinking" in a conspicuous manner. (Comp. 1974, ch. 12)

Sec. 21-2-7. Article supplementary to plumbing codes.

This article is a supplement to the applicable plumbing codes. (Comp. 1974, ch. 12)

Article 3. Land Application of Biosolids.

Sec. 21-3-1. Definitions.

The board of supervisors hereby adopts by reference section 5-585-10, Definitions, of Volume 12 of the Virginia Administrative Code.

Each and every reference herein to any statute or regulation shall be deemed to refer to the same, or to any successor statute or regulation which addresses substantially the same subject matter, as the same may be amended from time to time. (03-15-06)

Sec. 21-3-2. General requirements for land application of biosolids.

- a. It shall be unlawful to dispose of sewage sludge on land located in the County except in accordance with federal and state law, and this Article 21-3.
- b. Biosolids may be land applied only to lands of the County that have met all the applicable federal and state permits for the land application of biosolids, including Virginia State Water Control Board permits required for such land applications.
- c. Biosolids may be land applied only to lands zoned A-1.
- d. Biosolids may be land applied only to lands during weather conditions that permit the same to be applied and incorporated without substantial risk of adverse consequences to adjacent and downstream properties. (03-15-06)

Sec. 21-3-3. Notice requirements.

- a. Any applicant to the Virginia State Water Control Board for an operational permit to land apply biosolids to any lands of the County shall notify the Planning Director of his intent to obtain such permit no more than three (3) days after application to the Virginia State Water Control Board for such permit and at least fourteen (14) days before the time of the proposed land application. Such notification shall be in writing and hand delivered or faxed (with the original mailed on the same day) to the Planning Director.
- b. The notice required by (a) shall include:
 1. A field map of the lands to which biosolids will be applied, such maps to include the applicable County tax map number;
 2. A written statement of when the land application will begin, how long the process is estimated to continue, and when the land application of biosolids will terminate. If circumstances cause commencement of the land application of biosolids activity to take place

more than five (5) days after the date indicated, the Planning Director shall be so notified promptly in writing;

3. The date biosolids will be incorporated (if applicable);
 4. The proposed plant schedule, or designation as a pasture;
 5. The name, telephone number and address of the hauler, if different from the contractor;
 6. The telephone number and pager number (if available) of field technicians who will be land applying the biosolids;
 7. The source of the biosolids to be land applied, including name, address, and telephone number of the contact person;
 8. The name, address, and telephone number of the owner and/or lessee of the land to which the biosolids will be applied; and
 9. Any other information required by 12 Virginia Administrative Code 5-585-620 and 5-585-630.
- c. Any person who obtains from the Virginia State Water Control Board an operational permit to land apply biosolids to any lands of the County shall notify the Planning Director of the issuance of such permit no more than three (3) days after issuance and at least fourteen (14) days before the time of the proposed land application. Such notification shall be in writing and hand delivered or faxed (with the original mailed on the same day) to the Planning Director.
- d. The notice required by (c) shall include any amendments, variances, or other changes from the information submitted under (a).
- e. Fourteen (14) days before beginning the land application of biosolids to County land in accordance with a properly issued operational permit and with the requirements of this article, the permit holder shall deliver notice to all abutting properties, at the addresses listed therefore on the tax records of the County, and shall post signs at all field entrances which from public roads or, if no field entrances front public roads, on the owner's public road frontage nearest to the land applications site. The required notice and signs shall contain the following information:
1. A heading that reads "Biosolids Land Application in Progress";

2. A statement that the permit holder (listed by name) is land applying biosolids to lands in the County that has been approved by the Virginia State Water Control Board;

3. The tax map number for the land to which biosolids are being applied;

4. The name, telephone number and address of the hauler of the biosolids;

5. The source of the biosolids to be applied;

6. The telephone number of the field technicians who will be land applying the biosolids;

7. The name, telephone number, and address of the field technicians who will be land applying the biosolids;

8. The name, telephone number, and address of the owner and/or lessee of the land to which biosolids are being applied; and

9. The telephone number for the Fluvanna County Department of Planning and Development, the Thomas Jefferson Soil and Water Conservation District and the Virginia State Water Control Board.

f. Signs posted under (e) shall comply with the Fluvanna County Zoning Ordinance. Specifically, the signs shall be temporary nonilluminated signs, not less than four square feet and no more than six square feet in area, providing notice of biosolid waste products onto lands in Fluvanna County.

g. Any holder of an operational permit to land apply biosolids to County lands shall notify the Planning Director of any modifications to the operational permit not more than three (3) days after such modification.

h. Any holder of an operational permit to land apply biosolids to County lands shall provide to the Planning Director, at his request, the results of any tests conducted pursuant to the operational plan. (03-15-06)

Sec. 21-3-4. Access.

a. The Planning Director shall have access to any County lands designated for the land application of biosolids in an operational permit in order to conduct appropriate inspections and testing to ensure compliance with the operational permit, state laws and regulations and

the requirements of this article. The Planning Director shall have access to all biosolids, biosolids storage facilities, biosolids application machinery and biosolids transportation vehicles in the County in order to conduct appropriate inspections to ensure compliance with any operational or construction permits, state laws and regulations and the requirements of this article.

b. The Planning Director shall notify the owner or permit holder of any inspections or testing conducted. If the Planning Director provides notice in advance of such inspection or testing, access shall be provided by the owner or permit holder no more than twenty-four (24) hours after notice is given. (03-15-06)

Sec. 21-3-5. Enforcement.

a. If the Planning Director has reason to believe that biosolids are being or have been land applied to County lands not in compliance with a valid operational permit, state laws and regulations or the requirements of this article, he may require the person land applying such biosolids or the owner of the land to which biosolids are or have been land applied to demonstrate compliance. If such person or owner is unable to demonstrate compliance to the satisfaction of the Planning Director, the Planning Director may suspend any further land application of biosolids on such lands until compliance can be demonstrated.

b. If the Planning Director has reason to believe that biosolids are being or have been land applied to County lands not in compliance with a valid operational permit or state laws and regulations, he shall so notify the Virginia State Water Control Board.

c. Failure to comply with provisions 21-3-3(a), (c), (e), (g) or (h) shall be punishable in accordance with Section 1-10 of this Code. In addition, the Planning Director shall have the authority to take action to abate any violation of this Article as authorized by Virginia Code Section 32.1-164.7. (03-15-06)

Article 4. Public Sewer

SUBARTICLE I. GENERAL PROVISIONS

Sec. 21-4-1. Purpose.

The purpose of this Article is to provide for the maximum possible beneficial public use of the Fluvanna County treatment works through regulation of sewer construction, sewer use, and wastewater discharges; to provide for equitable distribution of the costs of the treatment works; and to provide procedures for complying with the requirements contained herein. (Ord. 6-20-07)

Sec. 21-4-2. Scope.

(a) The definitions of terms used in this Article are found in Subarticle II. The provisions of this Article shall apply to the discharge of all wastewater to treatment works of Fluvanna County. This Article provides for use of the County's treatment works, regulation of sewer construction, control of the quantity and quality of wastewater discharged, wastewater pretreatment, equitable distribution of costs, assurance that existing customers' capacity will not be preempted, approval of sewer construction plans, issuance of user Permits, minimum sewer connection standards and conditions, and penalties and other procedures in cases of violation of this Article.

(b) This Article shall apply to Fluvanna County and to persons outside the County who are, by contract, permit or agreement with the County, users of Fluvanna County's treatment works. (Ord. 6-20-07)

Sec. 21-4-3. Administration.

Except as otherwise provided herein, the County Administrator or his designee shall administer, implement, and enforce the provisions of this Article. (Ord. 6-20-07)

Sec. 21-4-4. Fees and Charges.

(a) All fees and charges payable under the provisions of this Article shall be paid to Fluvanna County. Such fees and charges shall be as set forth herein or as established in the latest edition of the Fluvanna County Treatment Works User Charge Schedule.

(b) All user fees, penalties and charges collected under this Article (and the treatment works user charge schedule) shall be used for the sole purpose of constructing, operating or maintaining the treatment works of Fluvanna County, or the retirement of debt incurred for same.

(c) All fees and charges payable under the provisions of this Article are due and payable upon the receipt of notice of charges. Unpaid charges shall become delinquent and shall be subject to penalty and interest charges as provided for in the latest edition of the Fluvanna County Treatment Works User Charge Schedule. (Ord. 6-20-07)

Sec. 21-4-5. Inspections.

(a) The Manager or authorized State or federal officials, bearing the proper credentials and identification, shall have the right to enter all premises where an effluent source or treatment system is located at any reasonable time for the purposes of inspection, observation, measurement, sampling and/or copying records of the wastewater discharge to ensure that discharge to the treatment works is in accordance with the provisions of this Article.

(b) The Manager, bearing proper credentials and identification, shall be permitted to enter all private property through which the County holds an easement for the purposes of inspection,

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

(c) While performing any necessary work on private properties referred to in Subsections (a) and (b) above, the Manager shall observe all safety and occupational rules established by law and shall make a reasonable effort to accommodate the operations and practices of the owner or occupant of the property and applicable to the premises. (Ord. 6-20-07)

Sec. 21-4-6. 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 County's treatment works. Any person who violates this section shall be guilty of a misdemeanor and, upon conviction, shall be punished as for a Class 4 misdemeanor. (Ord. 6-20-07)

Sec. 21-4-7. Severability.

If any part, section, subsection, sentence, clause or phrase of this Article or its application to any persons or circumstances is for any reason held to be unconstitutional or invalid by the final judgment of a court of competent jurisdiction, such decision shall not affect the constitutionality or validity of the remainder of this Article or other applications thereof. (Ord. 6-20-07)

Sec. 21-4-8. Amendments of this Article.

This Article may be amended, as provided by general law, from time to time. (Ord. 6-20-07)

SUBARTICLE II. DEFINITIONS

Sec. 21-4-9. Specific terms.

In the interpretation and construction of this Article, the following definitions and rules of construction shall be observed, unless they are inconsistent with the manifest intent of the board of supervisors or the context clearly requires otherwise:

Act shall mean the Federal Clean Water Act, 33. U.S.C. 1251 *et seq.*, as the same shall be amended from time to time.

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 Publicly Owned Treatment Works (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.

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.

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 User" shall include commercial, institutional and other uses, other than residential uses.

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 Director of Public Works for Fluvanna County or an authorized designee.

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

Municipality shall mean a city or town.

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).

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 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 Fluvanna County 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.

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 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:

- (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.

Slug Load shall mean any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standard of this Article 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:

- (i) 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;
- (ii) all interstate waters, including interstate "wetlands";
- (iii) 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.

(iv) all impoundments of waters otherwise defined as surface waters under this definition;(v) tributaries of waters identified in paragraphs (1) - (e) of this definition;

(v) the territorial sea; and

(vi) wetlands adjacent to waters other than waters that are themselves wetlands, identified in paragraphs (a) - (f) 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 Article.

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. (Ord. 6-20-07)

Sec. 21-4-10. General definitions.

Unless the context of usage indicates otherwise, the meaning of terms in this Article and not defined in Section 1 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; by Chapter 1 of this Code; by general law; or by common usage. (Ord. 6-20-07)

SUBARTICLE III. USE OF FLUVANNA COUNTY'S TREATMENT WORKS & TREATMENT FACILITY

Sec. 21-4-11. Waste Disposal.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any condition that may be considered as an unsanitary or unhygienic manner on public or private property within the County, or in any area under the jurisdiction of the County, any human or animal excrement, garbage, or other objectionable waste. (Ord. 6-20-07)

Sec. 21-4-12. Wastewater Discharges.

It is unlawful under State and federal Law to discharge without a VPDES permit to any natural outlet within the County or in any area under its jurisdiction. Wastewater discharges to the County's treatment works are not authorized unless permitted by the Manager in accordance with provisions of this Article. (Ord. 6-20-07)

Sec. 21-4-13. Wastewater Disposal.

Except as provided in this Article, 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. (Ord. 6-20-07)

Sec. 21-4-14. Connection to Treatment Works Required.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, constructed subsequent to July 1, 2007, and situated within a designated service area at a distance not greater than four hundred feet from any street, alley or right-of-way, in which there is located any sanitary toilet or other disposal liquid waste facilities shall connect such facilities directly with the public sewer. Any existing building or property described above, which is currently being served by a septic or other privately owned sanitary sewerage system, may continue to be served by such system for so long as the same shall continue to serve the property in a lawful and efficient manner, but no such building or property may be connected to any new privately owned sewerage system after July 1, 2007, except as expressly provided in this Article.

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 Article and applicable State and federal Laws.
(Ord. 6-20-07)

SUBARTICLE IV. BUILDING SEWERS AND CONNECTIONS

Sec. 21-4-15. Connection Permit

(a) 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 Manager.

(b) There shall be two (2) classes of permits for connections to the Fluvanna County 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 Fluvanna County treatment works on a form furnished by the County. The permit application shall be supplemented by wastewater information required to administer this Article. A permit and inspection fee shall be paid to the County at the time the application is filed, in accordance to the fee schedule adopted by the County and in effect from time to time.

(c) Connections to a storm sewer shall be subject to a permit and inspection fee in accordance to the fee schedule established by the County. Such connections shall be subject to the provisions of this Article and the approval of the Manager. (Ord. 6-20-07)

Sec. 21-4-16. Connection Costs.

The costs and expenses incidental to the building sewer installation and connection to the County's treatment works shall be borne by the owner. The owner shall indemnify the County from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 6-20-07)

Sec. 21-4-17. 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 County assumes no obligation or responsibility for damage caused by or resulting from any single building sewer which serves more than one building. (Ord. 6-20-07)

Sec. 21-4-18. 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 Manager, to meet the requirements of this Article. (Ord. 6-20-07)

Sec. 21-4-19. 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 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. (Ord. 6-20-07)

Sec. 21-4-20. Building Sewer Elevation.

Whenever practicable, the building sewer shall be brought to a building at an elevation below the basement floor. In buildings in which any building drain is too low to permit gravity flow to the County's treatment works, wastewater carried by such building drain shall be lifted by an approved means and discharged to a building sewer draining to the County sewer. (Ord. 6-20-07)

Sec. 21-4-21. Surface Runoff and Groundwater Drains.

(a) No person shall connect roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains to any sewer which is connected to a treatment works unless such connection is authorized in writing by the Manager. The connection of such drains shall conform to codes specified in Section 21-4-22 (a) or as specified by the manager as a condition of approval of such connection.

(b) Except as provided in Subsection (a) of this Section, roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains shall discharge to natural outlets or storm sewers. (Ord. 6-20-07)

Sec. 21-4-22. Conformance to Applicable Codes.

(a) The connection of a building sewer into a treatment works shall conform to the requirements of the building and plumbing code or other applicable requirements of the County, or the procedures set forth in appropriate specifications of the Commonwealth of Virginia Sewerage Regulations, Uniform Building Code of Virginia, and American Society of Testing Materials. The connections shall be made 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 Manager before installation. (Ord. 6-20-07)

Sec. 21-4-23. Connection Inspection.

The applicant for a building sewer or other drainage connection permit shall notify the Manager when such sewer or drainage connection is ready for inspection prior to its connection to the County's treatment works. Such connection inspections and testing as deemed necessary by the Manager shall be made by him. (Ord. 6-20-07)

Sec. 21-4-24. Excavation Guards and Property Restoration.

Excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the County. (Ord. 6-20-07)

Sec. 21-4-25. Protection of Capacity for Existing Users.

The Manager shall not issue a permit for any class of connection to the County's treatment works or treatment facilities unless there is sufficient capacity, not legally committed to other users, in the treatment works and treatment facilities to convey and adequately treat the quantity of wastewater which the requested connection will add to the treatment works or treatment facility. The Manager may permit such a connection if there are legally binding commitments to provide the needed capacity. (Ord. 6-20-07)

SUBARTICLE V. CONDITIONS TO USE THE FLUVANNA COUNTY TREATMENT WORKS

Sec. 21-4-26. Special Uses of Treatment Works.

All discharges of storm water, surface water, groundwater, roof runoff, subsurface drainage, or other waters not intended to be treated in the treatment facility shall be made to storm sewers or natural outlets designed for such discharges, except as authorized under Section 21-4-21, above. Any connection, drain, or arrangement which will permit any such waters to enter any other sewer shall be deemed to be a violation of this section and this Article. (Ord. 6-20-07)

Sec. 21-4-27. Industrial User, General Prohibition Upon Certain Pollutants.

An industrial user shall not introduce any pollutants into the County's treatment works which will pass through or interfere with the operation or performance of the treatment facilities. (Ord. 6-20-07)

Sec. 21-4-28. Restricted Discharges.

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

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- 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; 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;
- 2) Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater facilities, but in no case discharges with the following properties:
 - (i) having a pH lower than 5.0 or greater than 11.0
- 3) Cause obstruction to the flow in sewers, or other interference with the operation of treatment facilities due to accumulation of solid or viscous materials;
- 4) Constitute a rate of discharge or substantial deviation from normal rates of discharge, ("slug discharge"), sufficient to cause interference in the operation and performance of the treatment facilities;
- 5) Contain heat in amounts which are likely to accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the treatment works or inhibit biological activity in the treatment facilities, but in no case shall the discharge of heat cause the temperature in the County wastewater sewer to exceed 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 County 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 gases, vapors or fumes, malodorous gas or substance in quantities that may cause a public nuisance or cause acute human or safety problems;
- 9) Contain radioactive wastes in harmful quantities as defined by applicable State and federal law;
- 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 by the Manager for purposes of meeting the County's VPDES permit, as the same may be amended from time to time.
- 12) Petroleum oil, nonbiodegradeable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through.

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

(b) If, in establishing discharge restrictions, discharge limits, or pretreatment standards pursuant to the Article, the Manager establishes concentration limits to be met by a user, the Manager in lieu of concentration limits, may establish mass limits of comparable stringency for an individual user at the request of such user. Upon approval by the State, such limits should become pretreatment standards. (Ord. 6-20-07)

Sec. 21-4-29. 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 Manager shall notify any industrial user affected by the provisions of this Section and establish an enforceable compliance schedule for each.

(c) No person shall discharge any hazardous wastes to the County's treatment works except as expressly authorized by this Article and by the terms of the applicable connection permit. (Ord. 6-20-07)

Sec. 21-4-30. Special Agreements.

Nothing in this article shall be construed as preventing any agreement or arrangement between the County and any user of the treatment works and treatment facility whereby wastewater of unusual strength or character (only in terms of BOD and/or Suspended Solids) is accepted into the system and specially treated subject to additional payments or user charges as may be applicable. (Ord. 6-20-07)

Sec. 21-4-31. Water & Energy Conservation.

The conservation of water and energy shall be encouraged by the Manager. In establishing discharge restrictions upon users, the Manager shall take into account already implemented or planned conservation steps revealed by the user. Upon request of the Manager, each user will provide him with pertinent information showing that the quantities of substances or pollutants have not been and will not be increased as a result of the conservation steps. Upon such a showing to the satisfaction of the Manager, he shall make adjustments to discharge restrictions, which have been based on concentrations to reflect the conservation steps. (Ord. 6-20-07)

Sec. 21-4-32. Excessive Discharge.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the County or State. (Ord. 6-20-07)

Sec. 21-4-33. Accidental Discharges.

(a) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the County for review, and shall be approved by the County before construction of the facility. No user who commences contribution to the POTW after the effective date of this Article shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the County. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Article. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(b) Within five (5) days following an accidental discharge; the user shall submit to the Manager 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 insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. 6-20-07)

SUBARTICLE VI. INDUSTRIAL DISCHARGERS

Sec. 21-4-34. Information Requirements.

(a) All industrial dischargers shall file with the County wastewater information deemed necessary by the Manager for determination of compliance with this Article, the County's VPDES permit conditions, and State and federal law. Such information shall be provided by completion of a questionnaire designed and supplied by the Manager and by supplements thereto as may be necessary. Information requested in the questionnaire and designated by the discharger as confidential is subject to the conditions of confidentiality as set out in Subsection (c) of this Section.

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

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

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Article, The Virginia Pollutant Discharge Elimination System (VPDES) Permit, State Disposal System permit and/or the Pretreatment Programs, provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the County as confidential, shall not be transmitted to any governmental agency or to the general public by the County until and unless a ten-day notification is given to the User. (Ord. 6-20-07)

Sec. 21-4-35. User Permits.

(a) All significant industrial users proposing to connect to or to contribute to the treatment works shall obtain a User Permit before connecting to or contributing to the treatment works. All existing significant industrial users connected to or contributing to the treatment works shall obtain a User Permit within (180) days after the effective date of this Article.

(b) Significant Industrial Users required to obtain a Permit shall complete, and file with the County, an application in the form prescribed by the County, and accompanied by a fee payable to the County in accordance to the fee schedule established by the County. Existing significant industrial users shall apply for a Permit within (30) days after the effective date of this Article, 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:

- 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 Section 21-4-28 of this Article 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 their 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 (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 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 may be deemed by the County to be necessary to evaluate the user permit application.

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

(c) Within 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 Subsection (b) of this Section, the User shall apply for a User Permit within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard. In addition, the User with an existing User Permit shall submit to the Manager, within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard, the information required by paragraph (8) and (9) of Subection (b) of this Section.

(d) Permit Conditions:

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

- 1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

- 2) Limits on the average and maximum wastewater constituents and characteristics **(Permits must contain this item);**
- 3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization. **(Permits must contain this item);**
- 4) Requirements for installation and maintenance of inspection and sampling facilities;
- 5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- 6) Compliance schedules;
- 7) Requirements for submission of technical reports or discharge reports - See Section 21-4-36 of this Article **(Permits must contain this item);**
- 8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the County, and affording the County access thereto **(Permits must contain this item);**
- 9) Requirements for notification of the County for any new introduction of wastewater constituents or any substantial change in volume or character of the wastewater constituents being introduced into the treatment works **(Permits must contain this item);**
- 10) Requirements for immediate notification of slug discharges **(Permits must contain this item);**
- 11) Other conditions as deemed appropriate by the County to ensure compliance with this Article.
- 12) Statement of applicable remedies.

(e) User Permits shall be issued for a specified time period, not to exceed five (5) 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 County during the term of the permit as limitations or requirements as identified in this Section are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) User Permits are issued to a specific user for a specific operation. A User permit shall not be reassigned or transferred or sold by the User to a new owner, new user, different premises, or a new or changed operation without the approval of the County. 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. (Ord. 6-20-07)

Sec. 21-4-36. Reporting Requirements for Permittee.

(a) Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the wastewater treatment facilities, any User subject to Pretreatment Standards and Requirements shall submit to the Manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements.

The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements.

In addition, the report shall contain the results of any sampling and analysis of the discharge as specified in Subsection (b) (2) of this Section, below. This statement shall be signed by an authorized representative of the User, and certified to by a qualified professional.

- (b) (1) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of such Pretreatment Standard or in the case of a New Source, after commencement of the discharge into the treatment works, shall submit to the Manager during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Manager, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported. At the discretion of the Manager, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Manager may agree to alter the months during which the above reports are to be submitted.
- (2) The Manager may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by 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 Manager, of pollutants contained therein which are limited by the applicable

Pretreatment Standards. The frequency of monitoring shall be prescribed in the permit. All analysis shall be performed in accordance with procedures established by EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or 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. 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. (Ord. 6-20-07)

Sec. 21-4-37. Provision for Monitoring.

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

(b) The Manager shall consider such factors as the volume and strength of discharge, rate of discharge, quantities of toxic materials in the discharge, treatment facility removal capabilities, and cost effectiveness in determining whether or not access and equipment for monitoring Class II wastewater discharges shall be required.

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

(d) Measurements, tests, and analyses of the characteristics of wastewater required by this Article shall conform to 40 CFR, Part 136 and be performed by a qualified laboratory. When such analyses are required of a discharger, the discharger may, in lieu of using the County's laboratory, make arrangement with any qualified laboratory, including that of the discharger, to perform such analyses.

(e) Fees for any given measurement, test, or analysis of wastewater required by this Article and performed by the County shall be the same for all classes of dischargers, regardless of the quantity or quality of the discharge and shall reflect only direct cost. Costs of analyses performed by an independent laboratory at the option of discharger shall be borne directly by the discharger. (Ord. 6-20-07)

Sec. 21-4-38. Costs of Damage.

If the drainage or discharge from any establishment causes a deposit, obstruction, or damage to any of the County's treatment works or treatment facility, the Manager 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. (Ord. 6-20-07)

SUBARTICLE VII. PRETREATMENT

Sec. 21-4-39. Wastewater with Special Characteristics

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

- 1) Pretreatment by the user or discharger to a condition acceptable for discharge to the treatment works;
- 2) Control over the quantities and rates of discharge;
- 3) The development of compliance schedules to meet any applicable pretreatment requirements;
- 4) The submission of reports necessary to assure compliance with applicable pretreatment requirements;
- 5) 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 Article IX of this Article, or appropriate criminal penalties; or
- 7) Reject the wastewater if evidence discloses that discharge will create unreasonable hazards or have unreasonable deleterious effects on the treatment works or treatment facilities.

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

(c) Where pretreatment 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. (Ord. 6-20-07)

Sec. 21-4-40. Compliance with Pretreatment Requirements.

Persons required to pretreat wastewater in accordance with Section 21-4-39 above shall provide a statement, reviewed by an authorized representative of the user and certified by such representative indicating whether applicable pretreatment requirements are being met on a consistent basis and, if not, 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 Manager as described in Section 21-4-35 (b) (9). The plan (including schedules) shall be consistent with applicable conditions of the County's Permit or other local, State or federal laws. (Ord. 6-20-07)

Sec. 21-4-41. Monitoring Requirements.

Discharges of wastewater to the County's treatment works from the facilities of any user shall be monitored in accordance with the provisions of the User's permit. (Ord. 6-20-07)

Sec. 21-4-42. Effect of Federal Law.

In the event that the federal government promulgates a regulation for a given new or existing user in a specific industrial subcategory that establishes pretreatment standards or establishes that such user is exempt from pretreatment standards, such federal regulations shall immediately supersede the otherwise applicable provisions of this Article if they are more stringent. (Ord. 6-20-07)

Sec. 21-4-43. Certification.

All reports and permit applications must be signed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and if not, whether additional O&M and/or additional pretreatment is required to meet the pretreatment standards and requirements. (Ord. 6-20-07)

SUBARTICLE VIII. WASTEWATER SERVICE, CHARGES AND INDUSTRIAL COST RECOVERY

Sec. 21-4-44. 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. Unpaid charges and fees shall constitute a lien on the property from which such charges and fees shall have been generated, to the extent and as permitted by law. (Ord. 6-20-07)

Sec. 21-4-45. Industrial Cost Recovery.

Users of the County's treatment works and treatment facilities will also be assessed industrial cost recovery charges as required by law. (Ord. 6-20-07)

Sec. 21-4-46. Determination of System Use.

(a) The use of the County's treatment works and treatment facilities shall be based upon actual measurement and analysis of each user's wastewater discharge, in accordance with provisions of Section 21-4-37 to the extent such measurement and analysis is considered by the Manager to be feasible and cost-effective.

(b) Where measurement and analysis is considered not feasible, determination of each user's use of the treatment works and treatment facilities shall be based upon the quantity of water used whether purchased from a public water utility or obtained from a private source, or an alternative means as provided by Subsection (c) below.

(c) The Manager, when determining actual use of the County's treatment works and treatment facilities based on water use, shall consider consumptive, evaporative, or other use of water which results in a significant difference between a discharger's water use and wastewater discharge. Where appropriate, such consumptive water use may be metered to aid in determining actual use of the treatment works and treatment facilities. The meters used to measure such water uses shall be of a type and installed in a manner approved by the Manager. (The actual average water use by each residential user (Class I) during the three months of (January, February, and March) shall be used as the measure of each respective residential user's actual use of the sewer system throughout the year.) (Ord. 6-20-07)

SUBARTICLE IX. ENFORCEMENT.

Sec. 21-4-47. Harmful Discharges.

The County may suspend the wastewater treatment service and/or a User Permit when such suspension is necessary, in the opinion of the County, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of humans, to the environment, causes interference to the treatment facilities or causes the County to violate any condition of its VPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the User Permit shall immediately cease all such discharges to the County's system. In the event of a failure of the person to comply voluntarily with the suspension order, the County may take such steps as deemed necessary, including immediate severance of the sewer connection and/or the seeking of legal and equitable relief in court, to prevent or minimize damage to the

wastewater treatment facilities or endangerment to the public or to public or private property. The County shall reinstate the User Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. Prior to and as a condition of such reinstatement, a detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the County within 15 days of the date of the discharge which occasioned such suspension. (Ord. 6-20-07)

Sec. 21-4-48. Revocation of Permit.

Any user who violates the following conditions of this Article, or applicable State and federal law, shall be subject to having his permit revoked in accordance with the procedures of this Subarticle 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; or,
- (d) Violation of conditions of the permit. (Ord. 6-20-07)

Sec. 21-4-49. Notification of Violation.

Whenever the County finds that any User has violated or is violating this Article, User Permit, or any prohibition or limitation of requirements contained herein, the County may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, or such shorter period as may reasonably specified in such notice, a plan for the satisfactory correction thereof shall be submitted to the County by the user. (Ord. 6-20-07)

Sec. 21-4-50. Show Cause Hearing.

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

(b) The Manager may conduct the hearing and take the evidence, or may designate another officer or employee of the County to:

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

(c) At any hearing held pursuant to this Article, testimony taken must be under oath and recorded verbatim using generally accepted means of recording. A transcript of the proceedings so recorded shall be made available to any member of the public or any party to the hearing upon payment of the transcript costs.

(d) After the Manager has reviewed the evidence, he may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances 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. (Ord. 6-20-07)

Sec. 21-4-51. Legal Action.

If any person discharges sewage, industrial wastes or other wastes into the city's treatment works contrary to the provisions of this Article, applicable federal or State Pretreatment Requirements, or any order of the County or if any industrial user refuses access to the Manager or his designee for purposes of inspection, the County Attorney may commence an action for appropriate legal and/or equitable relief in a court of competent jurisdiction. (Ord. 6-20-07)

Sec. 21-4-52. Penalties.

(a) Any person or user that violates the provisions of this Article or a user/discharge permit hereunder shall be subject to a penalty of \$1000.00 per day and/or shall, upon conviction, be punished as for a Class 2 misdemeanor for each day the violation continues.

(b) Each day, or portion thereof, a violation continues shall constitute a separate violation. (Ord. 6-20-07)

Sec. 21-4-53. Falsifying Information.

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Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article, or User Permit, or who falsifies any monitoring device or method required under this Article, shall upon conviction, be punished as for a Class 1 misdemeanor. (Ord. 6-20-07)