

## CHAPTER 9

### SEWER ORDINANCE of the Town of Washington Date March 25, 2009

#### ARTICLE I General Provisions

- § 1. **Definitions.**
- § 2. **Approved methods of sewage disposal in the Service District.**
- § 3. **Connection to Public Sewer required.**
- § 4. **Approval required to uncover, connect or open any public sewer.**
- § 5. **Building Sewers and Building Drains.**
- § 6. **Extension of treatment works.**
- § 7. **Maintenance responsibilities.**
- § 8. **Control manhole.**
- § 9. **Right of entry.**
- § 10. **Analytical Requirements.**
- § 11. **Measurement, tests and analyses.**
- § 12. **Violations and penalties.**
- § 13. **Legal Action.**
- § 14. **Emergency Suspension of Service.**
- § 15. **Special arrangements.**

#### ARTICLE II Sewer Use; Prohibited Discharges

- § 16. **Unlawful deposit of human excrement and wastewater.**
- § 17. **Discharge of stormwater or other unpolluted waters.**
- § 18. **Special Uses of Treatment Works.**
- § 19. **Hauled Wastewater.**
- § 20. **Prohibited discharges.**
- § 21. **Accidental Discharges.**

#### ARTICLE III Pretreatment of Wastewater

- § 22. **Categorical Pretreatment Standards.**
- § 23. **State Pretreatment Standards.**
- § 24. **Local Limits; Revisions.**
- § 25. **Dilution.**
- § 26. **Grease, oil and sand interceptors.**
- § 27. **Authority to reject or require pretreatment, control or payment.**

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

**ARTICLE IV**  
**Wastewater Discharge Permit**

- § 28. **Wastewater Analysis.**
- § 29. **Wastewater Discharge Permit Requirement.**
- § 30. **[Omitted]**
- § 31. **Wastewater Discharge Permitting: New Connections.**
- § 32. **Wastewater Discharge Permit Application Contents.**
- § 33. **Application Signatories and Certification.**
- § 34. **Wastewater Discharge Permit Decisions.**
- § 35. **Wastewater Discharge Permit Duration.**
- § 36. **Wastewater Discharge Permit Contents.**
- § 37. **Wastewater Discharge Permit Modification.**
- § 38. **Wastewater Discharge Permit Transfer.**
- § 39. **Wastewater Discharge Permit Revocation.**
- § 40. **Wastewater Discharge Permit Reissuance.**

**ARTICLE V**  
**Reporting Requirements**

- § 41. **Baseline Monitoring Reports.**
- § 42. **Compliance Schedule Progress Reports.**
- § 43. **Reports on compliance with Categorical Pretreatment Standard Deadline.**
- § 44. **Periodic Compliance Reports.**
- § 45. **Reports of Changed Conditions.**
- § 46. **Reports of Potential Problems.**
- § 47. **Reports from Unpermitted Users.**
- § 48. **Notice of Violation/Repeat Sampling and Reporting.**
- § 49. **Record Keeping; Confidentiality.**

**ARTICLE VI**  
**Availability, Connection and User Charges**

- § 50. **Sewer connection (tapping) fee.**
- § 51. **Sewer Availability Assessment.**
- § 52. **Review and adjustment of connection and Availability Fees.**
- § 53. **Annual review of sewer service rate structure.**
- § 54. **Basic sewer service charge.**
- § 55. **High-strength surcharge.**
- § 56. **Billing; payment.**
- § 57. **Reconnection charge.**

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

- § 58. Indemnification of Town by owner or user of property.**
- § 59. Liability of Town for system malfunctions.**
- § 60. Existing principal residential dwellings in Phase II of Sewer System.**
- § 61. Severability.**
- § 62. Non-Waiver.**

**EXHIBIT "B"**  
**Schedule of Rates**

- §100. Connection fees.**
- §101. Availability Assessments.**
- §102. Credit for payment of Availability Assessment.**
- §103. Unpaid Availability Assessments and Monthly Capital Assessments.**
- §104. Monthly Capital Assessments.**
- §105. Monthly user charges.**
- §106. Loss of Status and Privileges and Cost Reduction as an Existing User.**
- §107. Availability Assessments and tap fees due upon sale of property.**
- §108. Hardship Waivers and/or Extensions.**
- §109. Use of Availability Assessments, tap fees and other Sewer System revenues.**

**EXHIBIT "C"**  
**Application and Agreement for Connection to Sewer System by Existing Users**

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

**ARTICLE I**  
**General Provisions**

**§ 1. Definitions.**

The following words and phrases shall have the following meanings unless the context specifically indicates otherwise:

**BOD (denoting "biochemical oxygen demand")-** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20° C.), expressed in milligrams per liter.

**BUILDING DRAIN -** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the Building Sewer, the Building Sewer ending at the connection point for the Grinder Pump and Storage Tank installed by the Town.

**BUILDING SEWER -** The extension from the building drain to the Public Sewer or other place of disposal.

**CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD -** shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §§ 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.

**COUNCIL OR TOWN COUNCIL -** The duly elected governing body of the Town of Washington.

**EDU (EQUIVALENT DWELLING UNIT) –** Equals average monthly water usage for non-residential users based on the past year of usage or other annual period selected by the Town or the estimated usage for new uses multiplied by a peak load factor of 1.4, then divided by 6,000 except that for restaurants only the peak load factor multiplier shall be 1.7.

**EXISTING USER –** A User whose structure and use in the Service District existed as of January 1, 2009. Any material change to the structure and/or material change in the nature or quantity of the use after

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

January 1, 2009 shall be subject to such User and additional tap fees and/or Availability Assessments at the rate then in effect for non-Existing Users. In addition, any structure in the Sewer Service District existing as of January 1, 2009 that did not have sewerage facilities, but whose owner applied prior to that time for a health department drainfield permit to install sewerage facilities, but was denied, shall also be deemed an Existing User. Additionally, any structure in the Sewer Service District existing as of January 1, 2009 that did not have sewerage facilities or had been added to the Sewer Service District prior to October 15, 2009, shall be deemed an Existing User, provided, however, the owner of any such structure shall apply to the Town on or before a date fixed by Town Council for new sewerage service, shall execute the necessary easements and shall pay such sums as may be due at such times as may be set by Town Council from time to time as a precondition to being deemed an Existing User hereunder.

**GARBAGE** - Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sales of produce.

**GOVERNMENTAL USER** – Rappahannock County or any of its departments or agencies and any other political subdivision.

**GRINDER PUMP** – The device installed by the Town to Town specifications used to partially pretreat sewage.

**INDUSTRIAL WASTES** - The liquid wastes from industrial manufacturing processes, trade or business, as distinct from sanitary sewage.

**INTEFERENCE** - shall mean an inhibition or disruption of the treatment works, its treatment processes or operations, or its sludge processes, which causes, in whole or in part, a violation of any requirement of the treatment works's VPDES permit, including those discharges that prevent the use or disposal of sludge by the treatment works in accordance with any federal or state laws, regulations, permits or sludge management plans.

**NATURAL OUTLET** - Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**NEW SOURCE** - shall have the same meaning as provided in 40 CFR Part 403.3(k) (1990).

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

**OWNER** – the lawful owner of any lot or parcel of land, but excluding lien holders. The Town may rely upon the most recent tax rolls for determining ownership.

**PASS-THROUGH** - shall mean the discharge of pollutants through a treatment works into State waters in quantities or concentrations which are a cause in whole or in part of a violation of any requirement of the treatment works's VPDES permit, including an increase in the magnitude or duration of a violation.

**pH** - The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**PLUMBING FIXTURE** - Any fixture that receives or discharges water.

**POLLUTING WASTE** – grey water, sink discharge or other non-hazardous liquid waste, but excluding sewage.

**PROPERLY SHREDDED GARBAGE** - The wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions which allow for the efficient operation of the Town Sewer System, but in no event greater than one-half (1/2) inch in any dimension.

**PUBLIC SEWER** - A sewer or any portion of the sewer system owned and/or operated by the Town which carries sewage. Storm, surface and ground waters shall not be admitted to the Public Sewer or Sanitary Sewer.

**RESIDENTIAL USER OR USAGE** – a structure or dwelling unit used exclusively for household purposes, but to include a lawful Home or Craft Occupation. All other users or usage shall be Non-Residential.

**SANITARY SEWER** - A sewer or any portion of the sewer system owned and/or operated by the Town which carries sewage. No storm, surface and ground waters shall be admitted by any person or entity into such system.

**SERVICE DISTRICT** – The area shown on Exhibit “A” and being the same area encompassed within the “Town of Washington Sewer Service District” by ordinance creating the same duly adopted by Town Council. In the event the Town fails to adopt such service district or it is declared to be invalid , then the Service District shall be or remain the area shown on Exhibit A.

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit “B”  
and § 100 Subparagraph “D” and “E” added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

**SEWAGE** - Water-carried wastes from residences, businesses and other sewer users.

**SEWAGE TREATMENT PLANT** - Any arrangement of devices and structures used for treating sewage and a part of the Town's Treatment Works.

**SEWER** - A pipe or conduit for carrying sewage, but excluding the Building Drain and Building Sewer.

**SIGNIFICANT USER** - shall be defined as follows:

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

(b) Is subject to categorical pretreatment standards; or

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

**SLUG** - Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration of flows during normal operation.

**STORAGE TANKS** – Tanks installed by the Town to Town specifications used for storage of sewage prior to discharge into the Sewer.

**STORM SEWER or STORM DRAIN** - A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

**SUSPENDED SOLIDS** - Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

**TOWN** – Town of Washington, Virginia acting through its Town Council or any authorized officer or designee.

**TOWN CLERK** – the duly appointed Clerk to the Town Council.

**TOWN ENGINEER** - An engineer designated by the Town.

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

**TOWN SANITARY SEWER SYSTEM or TOWN SEWER SYSTEM OR SEWER SYSTEM** – Any portion of, or where the context so requires, the entire facilities by which sewage is stored, transmitted, treated or disposed of which facilities are owned and/or operated by the Town.

**TREATMENT WORKS** - All facilities for collecting, pumping, treating and disposing of sewage owned or operated by the Town.

**USE** – A single type of activity conducted within a single structure or a single principle structure with incidental, accessory structures. A single structure may have more than one use. For example, a structure containing a commercial store, a professional office and a residential apartment on the second floor would constitute three “Uses”. Conversely, two structures with similar activities, ie., each being a commercial store, are two separate uses.

**USER** – each residential unit or each business or government unit required to be connected to the Town Sewer System in accordance with Section 3, whether actually so connected or not.

**WASTEWATER DISCHARGE PERMIT** – a permit required by or issued in accordance with the provisions of Article IV.

**WATERCOURSE** - A channel in which a flow of water occurs, either continuously or intermittently.

**§ 2. Approved methods of sewage disposal in the Service District.**

For the purposes of this chapter, an approved method of disposal of human excrement or other polluting waste shall be by means of a flush toilet connected to an adequate water supply and flushing into the Town Sanitary Sewer System.

**§ 3. Connection to public sewer required.**

The owner of each lot or parcel or land within the Service District, upon which lot or parcel any building or structure is used for residential, commercial, industrial or recreational purposes, shall install if required by any building code or zoning land use regulations, or if required by the Health Department, within such building, suitable

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit “B”  
and § 100 Subparagraph “D” and “E” added by amendment December 12, 2011. Section  
105 amended October 12, 2015.



sanitary water closets and make the necessary sewer connection to the Town Sanitary Sewer System, provided that if such connection will require a lateral over two hundred (200) feet in length from a sewer line, the Owner shall be required to pay the additional costs for providing service and maintaining such service for the portion of the lateral exceeding two hundred (200) feet.

**§ 4. Approval required to uncover, connect or open any public sewer.**

- A. No unauthorized person shall uncover, make any connections with or openings into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining written permission from the Town Clerk.
- B. Non-Existing Users - Approval to connect to the Public Sewer may be granted only by the Town Council, when capacity is available, upon submission and approval of a location permit application, the non-refundable fee for which shall be \$250.00 for each estimated EDU or residential unit provided such application complies with all other ordinances, regulations and policies of the Town and all state and federal laws and regulations, and accompanying separate request for the specific number of taps. Any tap fees required by an application approved by Town Council shall be paid in full within 60 days of approval by Council of such application or this approval shall be deemed void without further action or notice. Construction for which all water and sanitary sewer taps are allocated must be initiated per the approved location permit within twelve (12) months and completed within twenty-four (24) months of the date of allocation of the taps by the Town. Unused allocations may be revoked by the Town and the applicant will be returned the availability and tapping fees without interest less an administration fee of 20% of any sums returned. The Town Council may, upon consideration of a written request by the applicant and for good cause shown, for delay not occasioned by the actions or inactions of the applicant, extend the expiration date for a period not to exceed twelve (12) months. The request must be made in writing to the Town Clerk 30 days prior to the expiration date and only one (1) extension shall be granted. Sewer taps are allocated to a particular project as defined in the corresponding location permit. Such taps may not be sold, traded, exchanged or transferred in any other way.
- C. Existing Users – Approval to connect to the Public Sewer may be granted only by the Town Council upon submission of an Application and Agreement in the form attached as Exhibit “C” and the payment of all Availability Assessments or tap fees as they come due as set forth on Exhibit “B”.
- D. For purposes of this section, capacity is deemed available when the number of taps requested together with other taps committed or reserved but not yet connected will not cause estimated sewage flows to the sewage

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit “B”  
and § 100 Subparagraph “D” and “E” added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

treatment plant exceeding 70% of permitted capacity as measured during either the prior three months or the prior twelve months.

**§ 5. Building Sewers and Building Drains.**

- A. It shall be unlawful for any person to construct or connect a Building Sewer to the Town's Public Sewer without first obtaining written permission to do so from the Town per the procedure set forth in § 4 and a corresponding building/plumbing permit from the County of Rappahannock.
- B. All costs and expense incident to the installation and connection of the Building Drain and Building Sewer and 220V electrical service, both to specifications as may be promulgated by the Town from time to time, to the Grinder Pump and Storage Tank shall be borne by the owner and done within sixty (60) days of notice from the Town . The owner shall indemnify the Town from any loss or damage expense that may directly or indirectly be occasioned by the installation or operation of the Building Drain or Building Sewer. All costs and expenses relating to the Building Drain and provisions of 220V service are the sole responsibility of the owner.
- C. A separate and independent Building Sewer shall be provided for every building or structure required to be connected to the Town Sewer System. Notwithstanding the foregoing, where lot layout, building coverage or other exceptional factors make multiple building services practically not feasible, the Building Sewer from the front building may be extended to the rear or other building. Any such connection will require separate approval by the Council.
- D. Payment of the corresponding connection and availability fees for each Use, User or building shall be required if such Use, User, separate building or structure constitutes a separate use or a separate dwelling unit.
- E. The size, slope, alignment and materials of construction of Building Drains or Building Sewers and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall conform to the requirements of the Town for Building Sewers, Connections including the designation of the location of the connection and the inspection of that portion of the Building Sewer within the Town's right-of-way and the approved supervision of the connection to the Public Sewer shall be made by the Town. Inspection of the Building Sewer installation on the premises shall be done by the Town and/or County in accordance with the conditions of the Town permit and County building permit.

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

- F. An application for approval to connect with the Town Sewer or Sewer System for non-Existing Users shall be in substantially the following form:

TO THE TOWN OF WASHINGTON, VIRGINIA:

The undersigned being the \_\_\_\_\_ (owner) \_\_\_\_\_ of the property herein described \_\_\_\_\_ does hereby request a permit to connect to the sewage system of the Town of Washington, Virginia.

- A. A plat of the property showing accurately all drainfields, wells, underground utilities, underground features, sewers and drains now existing is attached hereto as Exhibit A.
- B. Plans and specifications covering all work proposed to be performed under this permit are attached hereto as Exhibit B.
- C. The name and address of the person or firm who will perform the work which is the responsibility of the owner covered by the permit is \_\_\_\_\_.
- D. In consideration of the granting of this approval, the undersigned agrees:
  - 1. To accept and abide by the provisions of the Sewer Ordinance of the Town of Washington and all other pertinent ordinances, regulations, policies or procedures, now existing or hereafter adopted or amended.
  - 2. To install all facilities in strict accordance with the approved plans and all building codes and Town requirements.
  - 3. To post a bond or cash deposit, if at any time required by the Town, with the Town, in a sum deemed to be sufficient by the Town to guarantee the satisfactory installation of the facilities and satisfactory compliance with the provisions of this application.
  - 4. To maintain such facilities in a clean and normal operating condition until such time as the facilities are accepted by the Town.
  - 5. To assume liability for any and all claims arising out of or in connection with damages to the property to be served by the

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

facilities; to other properties and to the facilities of the Town incurred by reason of the installation, operation and use of the facilities.

6. To furnish the Town detailed plans, prepared by the owner, or if required by the Town by a professional engineer or other professional acceptable to the Town, showing all facilities as actually built and easements as recorded, prior to acceptance of such facilities by the Town.
7. To convey, by appropriate instrument prior to the time of commencement of any work, all temporary and permanent easements in form and substance required by the Town.
8. To make no Building Sewer connection without first obtaining written permission therefore as required by the Sewer Ordinance of the Town of Washington.
9. To pay for any and all charges for the use of the Sewer System of the Town when and as due until such time as he arranges for the transfer of the sewerage service to a lessee or other user who has an approved account with the Town.
10. To pay for any and all expenses incurred by the Town for engineering, inspection, contractor and clerical work involved in the installation of the facilities and satisfactory completion thereof except for the portion of the facilities to be supplied by the Town.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date Approved by Council

\_\_\_\_\_  
Title of Applicant

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Address of Applicant

G. A committee, initially consisting of Gary Schwartz and John C. Bennett, shall determine the Assessments and connection fee and charges due from each Owner and shall promptly notify each Existing User of the amounts of such Assessments and/or connection fees. Each Existing User shall have the right of appeal and review by Town Council as provided in Sections 15.2-2408 and 15.2-2410.

**§ 6. Extension of treatment works.**

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

No extension of the Town Sewer System shall be made for the purpose of serving users located without the limits of the Service District.

**§ 7. Maintenance responsibilities.**

The Town shall be responsible for the maintenance and repair of the Sewer System contained in the public rights-of-way and across the property of an owner to the Storage Tank and including the Grinder Pump. Property owners are responsible for the maintenance and repair of all other facilities on their premises and the costs of installing and providing 220V electric service to the Grinder Pump.

**§ 8. Control manhole.**

When required by the Council, the owner of any property serviced by a Building Sewer shall install a suitable control manhole, together with such necessary meters and other appurtenances, in the Building Sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be constructed in accordance with plans approved by the Town. The manhole shall be installed by the Owner, at his expense, and shall be maintained by him so as to be safe and accessible at all times.

**§ 9. Right of entry.**

Duly authorized contractors, designees and employees of the Town shall be permitted to enter upon all properties served by the Sewer System for the purpose of inspection, observation, measurement, sampling, testing, construction, maintenance and repair of any portion of the Sewer System.

**§10. Analytical Requirements**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

**§ 11. Measurement, tests and analyses.**

Except as otherwise specifically provided, all measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

Examination of Water and Waste Water, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken in such other fashion as may be designated by the Town. Sampling shall be carried out as may be required by the Town to determine the effect of constituents upon the sewage works and to determine the existence of hazards or non-permitted substances or wastes entering the sewer system. All costs of measurement tests, sampling and analysis shall be at the expense of the property owner.

**§ 12. Violations and penalties.**

A. Any person or user that violates any of the provisions of Sections 2, 4, 14, 16, 17, 19 or 20 of this chapter or a user/discharge permit hereunder, but not the payment of any Assessment, fees or user charges shall be subject to a penalty of up to \$1000.00 per day and/or shall, upon conviction, be guilty of a class II misdemeanor for each day the violation continues. Each day, or portion thereof, a violation continues shall constitute a separate violation.

B. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or User Permit, or who falsifies any monitoring device or method or information required under this chapter, shall upon conviction, be guilty of a Class I misdemeanor.

C. In addition to any other penalties provided:

- (1) Every user of the Town's Sewer System shall be civilly liable in damages to the Town for any injuries to the Town's Sewer System, for any injuries to third persons for which the Town is liable, caused by or resulting from a violation of any of the provisions of this chapter.
- (2) Every user of the Town's Sewer System shall be civilly liable in damages to the Town for any injuries to the Town's Sewer System, or any injuries to the third persons for which the Town is liable, caused by or resulting from such user discharging into the Town's Sewer System sewage or waste of a nature or in quantities prohibited by the statutes of the Commonwealth of Virginia, or prohibited by the State Health Department or any subdivision thereof, or prohibited by any other state or federal agency.
- (3) Every user of the Town's Sewer System shall be liable as hereinabove provided in Subsection C (1) and (2) herein if any such damage as therein provided is caused by such user, any member or guest of his household or by any of his agents, servants or employees, guests, customers, clients or any other person upon the property of the Owner.

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

**§ 13. Legal Action.**

Without regard to any other penalty provided, if any person discharges sewage, hazardous wastes or other wastes into the Town's Sewer System or Treatment Works contrary to the provisions of this chapter, applicable Federal or State Pretreatment Requirements, or any order of the Town or if any user refuses access to the Town or its designee for purposes of inspection, the Town Attorney may commence an action for appropriate legal and/or equitable relief in the Circuit Court.

**§ 14. Emergency Suspension of Service.**

A. The Mayor, or if unavailable, the Vice-Mayor, or if both are unavailable, the Treasurer or the Town Council may suspend the wastewater treatment service and/or a User Permit when such suspension is necessary, in the opinion of such officer or Council, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of humans, to the environment, causes interference to the treatment facilities or causes the Town to violate any condition of its VPDES Permit.

B. Any person notified of a suspension of the wastewater treatment service and/or the User Permit shall immediately stop discharge into the system or eliminate the contribution or do such other things as may be identified in the notice from the Town. In the event of a failure of the person to comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary, including immediate severance of the sewer connection and/or the seeking of legal and equitable relief in the circuit court, to prevent or minimize damage to the wastewater treatment facilities or endangerment to any individuals.

C. The Town shall reinstate the User Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge, reimbursement of all costs reasonably incurred by the Town in effecting the suspension and reinstatement of service, and payment of the reconnection charge imposed by section 57. 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 3 days of the date of occurrence.

**§ 15. Special arrangements.**

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement in the sole discretion of the Town acting through its Council between the Town and any commercial concern whereby waste of unusual strength or character may be accepted by the municipality for treatment, subject to payment therefore, by such concern.

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

**ARTICLE II**  
**Sewer Use; Prohibited Discharges.**

**§ 16. Unlawful deposit of human excrement and wastewater.**

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town or in any area under the jurisdiction of the Town any human excrement or other polluting waste.
- B. Wastewater.
- (1) No person shall throw or empty or permit or cause to be thrown or emptied any wastewater from a bathtub, sink, commode or other fixture or any filthy water from any other source on private property upon any street, sidewalk or gutter, or place such waste or filthy water in any place from which it will flow into or upon a street, sidewalk or gutter. Each act of permitting or causing water to be placed upon or into a street, sidewalk or gutter or in a place from which it will flow into a street, sidewalk, gutter or other public place in violation of this section shall constitute a separate offense.
- (2) It shall be unlawful for any person to cause or permit water from a bathtub, sink, commode or other fixture or any filthy water from any other source to be emptied upon his own property or property belonging to another person or to allow water, waste or filthy water to accumulate and become stagnant or afford or create a breeding place for mosquitoes or other insects or create an offensive odor.

**§ 17. Discharge of stormwater or other unpolluted waters.**

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any Sanitary Sewer or to any portion of the Town Sewer System.

**§ 18. Special Uses of Treatment Works**

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.



All discharges of storm water, surface water, groundwater, roof runoff, subsurface drainage, or other waters 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 portion of the Town Sewer System shall be deemed to be a violation of this section and this chapter.

#### **§ 19. Hauled Wastewater**

Hauled waste water or sewage shall not be allowed to enter the Sewer System, except as may be expressly permitted by the Town Council for good cause shown. Only waste or sewage generated on site and lawfully entering the Sewer System within the Service District shall be permitted to enter the sewer system, except as may be expressly permitted by Town Council for good cause shown.

#### **§ 20. Prohibited discharges.**

No person or user shall discharge or cause to be discharged and no owner shall discharge, permit to be discharged or cause to be discharged, or suffer any discharge of any of the following described waters or wastes to enter any Sewer or any portion of the Sewer System:

- A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- B. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.
- C. Any waters or wastes not within a pH range of 6-9 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works, or having cooking oil or grease concentrations greater than 100 mg/liter or having total nitrogen greater than 40 mg/liter or having total phosphorus greater than 6 mg/liter.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood,

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

**§ 21. 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 may be required of any user at any time and shall be submitted to the Town within 10 days of written request for review, and shall be 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 Clerk of Town by leaving a voice mail at the Town Office 540-675-3128 with a complete description 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 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. For non-residential users, a notice shall be permanently posted on the user's bulletin board or other prominent place advising employees of all non-residential users 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.

**ARTICLE III  
Pretreatment of Wastewater**

**§ 22. 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

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

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 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 sewer system.

#### **§ 23. State Pretreatment Standards**

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.

#### **§ 24. Local Limits; Revisions**

- A. The Town may impose mass limitations in addition to, or in place of, the concentration-based limitations above. In the event the Town sets such limits, no person shall discharge wastewater containing concentrations of such elements exceeding the limits set by the Town.
- B. The Town reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the sewer system.

#### **§ 25. Dilution**

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 a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Town may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

#### **§ 26. Grease, oil and sand interceptors.**

Grease, oil and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease in amounts deemed excessive by the Town, or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Council, and shall be located as to be readily and easily accessible for cleaning and inspection.

#### **§ 27. Authority to reject or require pretreatment, control or payment.**

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

A. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes, unless it clearly appears based on the engineering and other relevant information submitted by an applicant that such wastes will not harm the Sewers, sewage treatment process or equipment, diminish the effectiveness or efficiency of the Sewer System or Treatment Facilities, have an adverse effect on the receiving river or will not otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of the following wastes which are otherwise prohibited, the Council may give consideration among other things to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the Sewers, nature of the Sewage Treatment process, capacity of the Sewage Treatment Plant, degree of treatability of wastes in the Sewage Treatment Plant and other pertinent factors. The substances prohibited, unless it be clearly shown to Council that such substances are otherwise acceptable, are:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150° F.).
- (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty degrees Fahrenheit (150° F.).
- (3) Any garbage that has not been properly shredded.
- (4) Any waters or wastes containing strong acid, iron-pickling wastes or concentrated plating solutions, whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Council for such materials.
- (6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Council, as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Council in compliance with applicable state or federal regulations.
  - (8) Any waters or wastes having a pH in excess of nine point zero (9.0).
  - (9) Materials which exert or cause:
    - (a) Unusual concentrations of inert suspended solids or of dissolved solids.
    - (b) Excessive discoloration.
    - (c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
    - (d) Unusual volume of flow or concentration of wastes constituting "slugs".
  - (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- B. If any waters or wastes are discharged or are proposed to be discharged to the Public Sewers, which waters or wastes contain substances or possess the characteristics enumerated above or which, the Council determines based on the engineering and other data available to it to have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Council may:
- (1) Reject the wastes.
  - (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
  - (3) Require control over the quantities and rates of discharge.

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this chapter.
- C. If the Council permits or requires pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Council and subject to the requirements of all applicable codes, ordinances and laws. Likewise, they shall be maintained continuously in satisfactory and effective operation by the owner, at his expense.

#### ARTICLE IV Wastewater Discharge Permit Application

##### § 28. Wastewater Analysis

When requested by the Town or Clerk, a user shall submit information on the nature and characteristics of its wastewater within three (3) days of the request. The Clerk is authorized to prepare a form for this purpose and may periodically require users to update this information.

##### § 29. Wastewater Discharge Permit Requirement

A. No Significant User shall discharge wastewater into the Sewer System without first obtaining a Wastewater Discharge Permit from the Town, except that a Significant User that has filed a timely application pursuant to Exhibit "C" of this chapter may continue to discharge for the time period specified therein. Any existing business or existing use in effect as of January 1, 2009 shall not be denied such Permit or renewal thereof, provided such business or use shall meet all requirements of this Sewer Ordinance including, among others, Pretreatment, type of discharge, no hazardous waste and adequate pollution control. An increase in volume of 15% or more or a change in use by any such existing business or user shall require application hereunder and shall be subject to approval or denial in accordance with Section 34.

B. The Town may require other users to obtain Wastewater Discharge Permits as necessary to carry out the purposes of this chapter.

C. Any violation of the terms and conditions of a Wastewater Discharge Permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in § 12 through 14 of this chapter. Obtaining a Wastewater Discharge permit shall not relieve a permittee of its obligation to comply with all Federal and State

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

**§ 30. [Omitted]**

**§ 31. Wastewater Discharge Permitting: New Connections**

Any user required to obtain a Wastewater Discharge Permit who proposes to begin or recommence discharging into the treatment works shall obtain such permit prior to the beginning or recommencing of such discharge. An application for this Wastewater Discharge Permit, in accordance with § 32 of this chapter, shall be filed at least forty-five (45) days prior to the date upon which any discharge will begin or recommence.

**§ 32. Wastewater Discharge Permit Application Contents**

All users required to obtain a Wastewater Discharge Permit shall submit a permit application. The Town or Clerk may require all users to submit as part of an application the following information:

- A. All information required by § 41(B) of this chapter;
- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the treatment works;
- C. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- G. Time and duration of discharges; and
- H. Any other information as may be deemed necessary by the Town to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

**§ 33. Application Signatories and Certification**

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

All Wastewater Discharge Permit applications and user reports shall be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false or incomplete information, including the possibility of fine and imprisonment for violations."

#### **§ 34. Wastewater Discharge Permit Decisions**

The Town shall evaluate the data furnished by the user and may require additional information. Within forty-five (45) days of receipt of a complete Wastewater Discharge Permit application, the Town shall determine whether or not to issue a wastewater discharge permit. The Town may deny any application for a wastewater discharge permit.

#### **§ 35. Wastewater Discharge Permit Duration**

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A Wastewater Discharge Permit may be issued for a period less than five (5) years, at the discretion of the Town and may be upon conditions. Each Wastewater Discharge Permit shall indicate a specific date upon which it will expire.

#### **§ 36. Wastewater Discharge Permit Contents**

A Wastewater Discharge Permit shall include such conditions as are deemed necessary by the Town to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the treatment works.

A. Wastewater Discharge Permits shall contain:

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;

(2) A statement that the Wastewater Discharge Permit is nontransferable without prior notification to the Town in accordance with § 38 of this chapter, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(3) Effluent limits based on applicable pretreatment standards;

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.



(4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and

(5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

B. Wastewater Discharge Permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the treatment works;

(5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the treatment works;

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

(7) A statement that compliance with the wastewater discharge permit shall not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

(8) Other conditions as deemed appropriate by the Town to ensure compliance with this chapter, and State and Federal laws, rules, and regulations.

### **§ 37. Wastewater Discharge Permit Modification**

The Town may modify a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- C. A change in the treatment works that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the Town's treatment works, Town personnel, or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

**§ 38. Wastewater Discharge Permit Transfer**

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Town and the Town approves the wastewater discharge permit transfer. The notice to the Town must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no present intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

**§ 39. Wastewater Discharge Permit Revocation**

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

The Town may revoke a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Town of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Town of changed conditions pursuant to § 45 of this chapter;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Town timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay connection or sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of ownership of a permitted facility;  
or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

Wastewater Discharge Permits shall be voidable upon cessation of operations or transfer of business ownership. All Wastewater Discharge Permits issued to a particular user are void upon the issuance of a new Wastewater Discharge Permit to that user.

#### **§ 40. Wastewater Discharge Permit Reissuance**

A user with an expiring Wastewater Discharge Permit shall apply for Wastewater Discharge Permit reissuance by submitting a complete permit application, in accordance Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009 Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B" and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section 105 amended October 12, 2015.

with § 32 of this chapter, a minimum of sixty (60) days prior to the expiration of the user's existing wastewater discharge permit.

## ARTICLE V Reporting Requirements

### § 41. Baseline Monitoring Reports

A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the treatment works shall submit to the Town a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Town a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below.

(1) Identifying Information. The name and address of the facility, including the name of the operator and owner.

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the treatment works from the regulated processes.

(4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the treatment works from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) Measurement of Pollutants.

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Town, of regulated

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 10 of this chapter.

(c) Sampling must be performed in accordance with procedures set out in § 11 of this chapter.

(6) Certification. A statement, reviewed by the 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 operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) Compliance Schedule. 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 and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 42 of this chapter.

(8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with § 33 of this chapter.

#### **§ 42. Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by § 41(B)(7) of this chapter:

A. The schedule shall contain progress increments 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 (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

B. No increment referred to above shall exceed nine (9) months;

C. The user shall submit a progress report to the Town no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

D. In no event shall more than nine (9) months elapse between such progress reports to the Town.

**§ 43. Reports on Compliance with Categorical Pretreatment Standard Deadline**

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the treatment works, any user subject to such pretreatment standards and requirements shall submit to the Town a report containing the information described in § 41(B)(4-6) of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports shall be signed and certified in accordance with § 33 of this chapter.

**§ 44. Periodic Compliance Reports**

A. All Significant Users shall, at a frequency determined by the Town but in no case less than once per year (in June of each year), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with § 33 of this chapter.

B. All wastewater samples shall be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Town, using the procedures prescribed in § 11 of this chapter, the results of this monitoring shall be included in the report.

**§ 45. Reports of Changed Conditions**

Each user shall notify the Town of any planned changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

A. The Town may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 32 of this chapter.

B. The Town may issue a wastewater discharge permit under § 34 of this chapter or modify an existing wastewater discharge permit under § 37 of this chapter in response to changed conditions or anticipated changed conditions.

C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

#### **§ 46. Reports of Potential Problems**

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the treatment works, the user shall immediately telephone and notify the Town of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

B. Within five (5) days following such discharge, the user shall, unless waived by the Town, submit a detailed written report describing the cause(s) 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, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

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 discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

#### **§ 47. Reports from Unpermitted Users**

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Town as the Town may require.

#### **§ 48. Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by a user indicates a violation, the user shall notify the Town within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Town within thirty (30) days after becoming aware of the violation. The user shall not be

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

required to resample if the Town monitors at the user's facility at least once a month, or if the Town samples between the user's initial sampling and when the user receives the results of this sampling.

**§ 49. Record Keeping; Confidentiality.**

A. Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Town, or where the user has been specifically notified of a longer retention period by the Town

B. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Town's inspection and sampling activities, shall be available to the public 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 or is privileged from disclosure under applicable State law. Any such request shall be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, 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 immediately upon request to governmental agencies for uses related to the NPDES OR VPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

Article VI

**Availability, Connection and User Assessment Charges**

**§ 50. Sewer connection (tapping) fee.**

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.



No connection with the Town Public Sewer or Town Sewer System shall be made except on the payment of a connection fee set forth in the schedule of wastewater charges established by the Town Council, this initial Schedule of Rates being attached as Exhibit "B".

**§ 51. Sewer Availability Assessment.**

- A. In addition to the sewer connection fee there shall be a Sewer Availability Assessment. This Assessment shall apply to every building or structure generating sewage within the Service District or any other building or structure which is required to connect to the Town sanitary sewer in accordance with § 3 above. The amount of such Assessment shall be based on the type of use and/or water usage as set forth in the Schedule of wastewater charges established by the Town Council, the initial Schedule of Rates being set forth in Schedule "B". Such Assessment shall be assessed against the lot owner on which such building or structure is located and shall be payable as and have priority and all rights afforded to an assessment or levy by a Town against a property including being a lien thereon. Such assessment shall be payable as specified by the Town Council. Payment of the Availability Assessment shall be credited against any connection fees due the Town and paid for the same lot or structure.
- B. The Town shall make an inspection following completion of building or renovation and from time to time thereafter to ensure that all uses and the number and type of plumbing fixtures conforms to the approved permit. The initial inspection shall be completed prior to the issuance of an occupancy permit.
- C. (i) The remodeling or expansion or change in use of buildings already connected to the public sewer that will result in an increase in the quantity of discharge or result in or a change to the nature or type of discharge or change in the required Assessment fees or payments or (ii) the replacement of a building already connected to the Public Sewer which will result in an increase in discharge, or (iii) the conversion from one use to another shall be assessed an additional Availability Assessment equal to the difference between the charge for the new volume or uses, and the already paid charges for the original building or use on the schedule of water and wastewater charges established by the Town Council. In addition to the foregoing, new buildings constructed on property already connected to the public sewer shall be assessed Availability Assessments for such new construction imposed by this Section, and a connection fee as required by § 50.

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

- D. For Non-Existing Users, payments required by subsection C above or by § 50 shall be made in full prior to the issuance of a zoning permit, building permit or disturbance permit.
- E. No refund of a payment pursuant to this Ordinance shall be made in the event of a subsequent change to a use requiring a lower availability or connection charge.
- F. The Council or its designee shall determine the type and amount of connection fees and Availability Assessment for all premises. In the case of multi-use premises, the availability assessment shall be based on the various types of use or on the principal use, whichever results in the higher charge. When the premises do not fall under any of the types listed in this section, the Town or its representative shall select the most appropriate type contemplated by the Ordinance, or a special charge may be designated for the premises based on the estimated quantity and nature and type of sewage to be discharged. Any estimate may be reviewed periodically and if actual usage exceeds the estimated usage, all appropriate Availability Assessments, connection fees and other charges shall be billed by the Town and shall be payable by the property owner and property user, jointly and severally, within 60 days. For new Users or a new Use and such charges are based upon an estimate by the Town, if it be shown to the satisfaction of the Council that the actual usage over a period of at least two (2) years is lower than the estimate, an appropriate refund without interest shall be determined by Council and paid within sixty (60) days of determination.

**§ 52. Review and adjustment of connection and availability fees.**

Sewer connection (tapping) fees and Sewer Availability Assessment shall be subject to periodic review and adjustment as determined by the Council.

**§ 53. Annual review of sewer service rate structure.**

The sewer service rate structure shall be subject to review and revision using actual operating and maintenance and debt services cost figures to determine adjusted rates.

**§ 54. Basic sewer service charge.**

All users of the Town's sewage works shall be required to pay a monthly user service charge based on the user's metered water consumption during the preceding month. Rates are set by ordinance enacted by the Town Council

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

pursuant to the provisions of §§ 15.2-2119, 15.2-2122 and 15.2-2143 of the Code of Virginia, 1950, as amended shall be as set out in the Town Sewer Rate Schedule, except for the addition of the high-strength surcharge described in the following section. Any lot within the Service District which should be connected to the Sewer System, but which for any reason is not so connected, shall pay a monthly Capital Uses Assessment in the amount and at the times as may be determined by Council from time to time. User charges may be reduced for a Non-Residential User by Council for significant amounts of metered water not entering the Sewer System.

All users of the Town's sewage works who qualify for tax exemption for the elderly and disabled for payment of county taxes on a structure which is their principle residence will be given a reduction of twenty-five percent (25%) in their monthly user service charges.

**§ 55. High-strength surcharge.**

- A. All users who discharge a waste which contains more than two hundred forty (240) parts per million of BOD or more than two hundred forty (240) parts per million of suspended solids based on 24 hour composite sampling may be assessed a surcharge on the amount of BOD and suspended solids that exceed the above amounts.
- B. Surcharges for high strength shall be based on samples collected and analyzed by or at the discretion of the Town as set forth in Section 11. Samples shall be collected on a periodic basis but not less than once a year.
- C. High-strength wastes will only be accepted when it can be demonstrated that they will not damage or impair the efficient operation of the collection or treatment facilities and will not impair the treatment process.
- D. The surcharge for high-strength wastes shall be calculated on the basis of the amount of BOD and suspended solids discharged to the sewer in excess of the two hundred forty (240) parts per million of BOD and two hundred forty (240) parts per million of suspended solids expressed as pounds.
- E. The high-strength surcharge shall be determined by Town Council in correlation with its engineers or other professionals and shall be paid monthly once assessed.

**§ 56. Billing; payment.**

Uses charges shall be paid monthly, and the bills shall become due on the day water bills are due, and if not paid when due, service may be discontinued at the

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

discretion of the Town Council or the Clerk. If the bill is not paid for a period exceeding sixty (60) days, the water supply may be shut off after 30 days notice given at the property. Reconnection shall be made in accordance with § 57. A rebilling fee equal to \$4.00 or 1.5% of the amount due, whichever is greater, for each month past due, shall be assessed and paid for any account not paid when due.

**§ 57. Reconnection charge.**

If water service is disconnected for nonpayment of sewer bills, there shall be, in addition to any other charges, a charge of sixty dollars (\$60) for reactivation of the sewer account, payable at such time as the bill is paid in full, and reconnection to the water system shall not be made until such reconnection charge has been paid.

**§ 58. Indemnification of Town by owner or user of property.**

The owner, or the user of any property, unless such user was acting with the consent of the owner or as an employee of the owner, shall indemnify and hold the Town harmless for any and all liability, damages, costs, attorney's fees, witness fees and all other expenses resulting from the presence of hazardous materials or wastes which enter the sewer system from the property of the owner or waste entering the sewer system from the owner's property which have not been properly pretreated or which are not of the type which may from time to time be specified by the Town.

**§ 59. Liability of Town for system malfunctions.**

Any interruption or malfunctioning of sewer service provided by the Town shall result in a pro-ration of the usage charges then in effect for such portion of time that the service is shut off. The owner and any other user of the system shall have no other right to any damages or claims of any description from the Town as a result of any failure, malfunction or any other condition or thing pertaining to the non-normal or improper function or operation of the sewer system.

**§ 60. Existing principal residential dwellings in Phase II of Sewer System.**

In accordance with the provisions of the Comprehensive Plan of the Town of Washington, it is the intention of the Town to provide sewer service to all or substantially all of the remaining portions of the Town as Phase II of the sewer system. The Council hereby states its intention that single family dwellings which are principal residences of the lot owner, and existing and in such use as such as of January 1, 2009, are to pay the same availability fees and/or connection fees as set forth herein for Existing Users, namely \$7,500 for each such unit, but adjusted to constant dollars based on the Cost of Living Index as published for the Washington, D.C. Metropolitan Area by the Bureau of Labor and Statistics accounting for a period from July 1, 2009 until the date such existing

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

residence may be connected to the sewer system and such fees are paid to the Town, provided such residence promptly connects to the Sewer System when offered and timely makes all required payments.

**§ 61. Severability.**

In the event any portion, section or sections of this Ordinance are declared by any Court of competent jurisdiction to be unenforceable, unconstitutional, illegal (or otherwise unlawful), such portion, section or sections shall be severed from the remainder of the Ordinance and the remaining portions of the Ordinance shall remain in full force and effect notwithstanding the unenforceability or illegality of such portion, section or sections.

**§ 62. Non-Waiver.**

The failure of the Town, the Town Council, any officer of the Town, the Clerk or any agent or representative of the Town to insist upon strict compliance with any provision of this Sewer Ordinance shall not be deemed a waiver thereof and the Town may at any time insist upon strict compliance with any provision of this Sewer Ordinance.

Approved March 25, 2009 § 106 Subparagraph (A) amended June 10, 2009  
Article 1 § 1 Definitions: Existing User amended October 14, 2009 Title of Exhibit "B"  
and § 100 Subparagraph "D" and "E" added by amendment December 12, 2011. Section  
105 amended October 12, 2015.

Adopted by roll call vote of the Town Council of Washington, Virginia on the 25<sup>th</sup> day of March, 2009 after due advertisement and the holding of public hearings and in accordance

with the statutes made and provided for such matters. This Sewer Ordinance shall be effective upon adoption.

VIRGINIA

TOWN OF WASHINGTON,

BY: *Erin Leggett*

Mayor

ATTEST:

*Lauren Clark*  
Clerk

Voting aye: Jean Goodine *Jean F. Goodine*  
John Sullivan *John Sullivan*  
Gene Leggett *Gene Leggett*  
Jerry Goebel *Jerry Goebel*  
Alice Butler *Alice C. Butler*

Voting nay: None

Absent: Jeff Benson (Claudia Mitchell deceased)

Abstaining: None