

# UTILITY SERVICE REGULATIONS



**WESTMORELAND COUNTY, VIRGINIA**

**Adopted by Board of Supervisors**

**October 11, 2000**

## TABLE OF CONTENTS

|                                                              |                                             |    |
|--------------------------------------------------------------|---------------------------------------------|----|
| Article I. General                                           | 5                                           |    |
| Section 19-50                                                | Chapter Title                               | 5  |
| Section 19-51                                                | Purpose of Chapter                          | 5  |
| Section 19-52                                                | Purpose of Utility                          | 5  |
| Section 19-53                                                | Obligations of the Utility                  | 5  |
| Section 19-54                                                | Management and Control of Systems Generally | 6  |
| Section 19-55                                                | Utility Records                             | 6  |
| Section 19-56                                                | Conformity to County and/or Town Code       | 6  |
| Section 19-57                                                | Conduct of the Utility                      | 6  |
| Section 19-58                                                | Service Connections                         | 6  |
| Section 19-59                                                | Hazardous Waste                             | 6  |
| Section 19-60                                                | Right of Access                             | 6  |
| Section 19-61                                                | Information Concerning Industrial Processes | 7  |
| Section 19-62                                                | Confidential Information                    | 7  |
| Section 19-63                                                | Tampering With or Damage to Utility Systems | 7  |
| Section 19-64                                                | Responsibility for Property of Customer     | 7  |
| Section 19-65                                                | Ground Wire Attachments                     | 8  |
| Section 19-66                                                | Interruptions in Service                    | 8  |
| Section 19-67                                                | Computation of Time                         | 8  |
| Section 19-68                                                | Amendments                                  | 8  |
| Section 19-69                                                | Prohibitions                                | 9  |
| Section 19-70                                                | Penalties                                   | 9  |
| Section 19-71                                                | Severability                                | 9  |
| Secs. 19-72 - 19-78                                          | Reserved                                    | 9  |
| Article II. Definitions                                      | 10                                          |    |
| Section 19-79                                                | Definitions                                 | 10 |
| Article III. Utility Availability and Connection Requirement | 24                                          |    |
| Section 19-80                                                | Availability of Service                     | 24 |
| Section 19-81                                                | Official Notice of Service Availability     | 24 |
| Section 19-82                                                | Connection Required                         | 24 |
| Secs. 19-83 - 19-92                                          | Reserved                                    | 25 |
| Article IV. Utility Service Terms and Procedures             | 26                                          |    |
| Section 19-93                                                | No Free Service                             | 26 |
| Section 19-94                                                | Fees and Costs                              | 26 |
| Section 19-95                                                | Application for Service                     | 26 |
| Section 19-96                                                | Temporary Service                           | 28 |
| Section 19-97                                                | Deposit                                     | 28 |
| Section 19-98                                                | Notices                                     | 30 |
| Section 19-99                                                | Customer Billing                            | 30 |
| Section 19-100                                               | Meter Tests; Adjustment of Bill             | 31 |
| Section 19-101                                               | Utility Bill                                | 32 |
| Section 19-102                                               | Customer Dispute with Utility Bill          | 34 |
| Section 19-103                                               | Delinquent Accounts; Actions at Law         | 35 |
| Section 19-104                                               | Termination of Utility Service              | 37 |
| Section 19-105                                               | Utility Service Termination Procedure       | 38 |
| Section 19-106                                               | Restoration of Utility Service              | 40 |
| Secs. 19-107 - 19-117                                        | Reserved                                    | 41 |
| Article V. Facilities Extensions and Expansions              | 42                                          |    |

|                                                         |                                                             |    |
|---------------------------------------------------------|-------------------------------------------------------------|----|
| Section 19-118                                          | New Development.....                                        | 42 |
| Secs. 19-119 - 19-139                                   | Reserved.....                                               | 49 |
|                                                         |                                                             |    |
| Article VI. Building Water, Sewer and Connections ..... |                                                             | 50 |
| Section 19-140                                          | Service Connections .....                                   | 50 |
| Section 19-141                                          | Other Wastewater Lines and Flows .....                      | 51 |
| Section 19-142                                          | Separate Service Connection; Multiple Units.....            | 51 |
| Section 19-143                                          | Meters and Meter Installation.....                          | 52 |
| Section 19-144                                          | Indirect Sewer Use Metering.....                            | 53 |
| Section 19-145                                          | Swimming Pools .....                                        | 54 |
| Secs. 19-146 - 19-150                                   | Reserved.....                                               | 54 |
|                                                         |                                                             |    |
| Article VII. Fire Protection Systems .....              |                                                             | 55 |
| Section 19-151                                          | Private Fire Protection Systems; Public Fire Hydrants ..... | 55 |
| Section 19-152                                          | Fire Hydrant Obstruction.....                               | 57 |
| Secs. 19-153 - 19-159                                   | Reserved.....                                               | 57 |
|                                                         |                                                             |    |
| Article VIII. Sewers .....                              |                                                             | 58 |
| Section 19-160                                          | Use of Sewers.....                                          | 58 |
| Section 19-161                                          | Strong Waste .....                                          | 58 |
| Section 19-162                                          | Discharge of Storm Water or Surface Water. ....             | 58 |
| Section 19-163                                          | Discharges into Storm Sewers or Natural Outlet .....        | 58 |
| Section 19-164                                          | Prohibited Discharges into Public Sewers .....              | 58 |
| Section 19-165                                          | Strong Wastes - Limitation on Discharges.....               | 59 |
| Section 19-166                                          | Grease, Oil and Sand Interceptors .....                     | 60 |
| Section 19-167                                          | Preliminary Treatment Facilities.....                       | 60 |
| Section 19-168                                          | Inspection and Sampling.....                                | 60 |
| Section 19-169                                          | Monitoring Facilities .....                                 | 60 |
| Section 19-170                                          | Information Needed to Determine Compliance.....             | 61 |
| Section 19-171                                          | Standards for Measurements, Tests and Analyses .....        | 61 |
| Section 19-172                                          | Special Agreements with Utility.....                        | 61 |
| Section 19-173                                          | Permit Required, Existing and New Users.....                | 61 |
| Section 19-174                                          | Permit Conditions.....                                      | 62 |
| Section 19-175                                          | Permit Amendments .....                                     | 63 |
| Section 19-176                                          | Revocation or Suspension .....                              | 63 |
| Section 19-177                                          | Correction of Violations.....                               | 64 |
| Section 19-178                                          | Notice to Employees .....                                   | 65 |
| Section 19-179                                          | Permit Not Transferable.....                                | 65 |
| Section 19-180                                          | Violations, Penalties and Notice .....                      | 65 |
| Section 19-181                                          | Damage to Utility System.....                               | 66 |
| Section 19-182                                          | Hauled Waste - General .....                                | 66 |
| Section 19-183                                          | Types of Wastes Accepted. ....                              | 66 |
| Section 19-184                                          | Administrative Procedures .....                             | 67 |
| Section 19-185                                          | Manifests.....                                              | 67 |
| Section 19-186                                          | Fees .....                                                  | 67 |
| Section 19-187                                          | Specific Discharge Requirements.....                        | 67 |
| Section 19-188                                          | Compliance .....                                            | 69 |
| Secs. 19-189 - 19-199                                   | Reserved.....                                               | 69 |

## Article I. General

### Section 19-50 Chapter Title

This chapter shall be known as the Utility Regulations of Westmoreland County, Virginia.

### Section 19-51 Purpose of Chapter

The purpose of these regulations is to promote good public utility and good business practice. These regulations reflect the obligations of the Utility to its customers, the requirements that the customer must observe and the relations between the customer and the Utility.

### Section 19-52 Purpose of Utility

The Westmoreland County Utilities Department, hereinafter referred to as the Utility, was created by the Board of Supervisors of Westmoreland County, Virginia for the purposes of acquiring, financing, constructing, operating and maintaining a water and sewer system or systems, pipe lines and other property and facilities incidental thereto for the purpose of furnishing potable water and sanitary sewer facilities to users within the areas of jurisdiction established by or for the Utility.

### Section 19-53 Obligations of the Utility

- A. Obligations accepted. In as much as the Utility provides two utility services, which are vital and essential to the health, safety, and welfare of the entire community, the Utility accepts certain obligations to safeguard the public interest. Among these obligations accepted by the Utility are the requirements that it perform in the following manner:
1. Serve all that apply and meet the requirements of the Utility in the service area and will endeavor to conform to the policies of the Westmoreland County Comprehensive Plan. The County is not obligated to provide service where it is not economically feasible to do so.
  2. Give adequate and comparable service to all persons when the provision of that service would be consistent with the policies of the Comprehensive Plan.
  3. Provide a uniform charge to all in the same customer class for the same service, except under special contracts when warranted by the circumstances.
  4. Charges shall cover the cost of providing water or sewer service.
- B. Expectations. The Utility operates with the following expectations:
1. Reasonable compensation for services rendered.
  2. Customer observance for reasonable rules and regulations which govern the conduct of the business of the Utility.

**Section 19-54 Management and Control of Systems Generally**

The Public Works Director or designated official shall act as the authorized agent of the Board of Supervisors to provide management and control of all properties and facilities owned by the Utility.

**Section 19-55 Utility Records**

The Director shall maintain suitable plans and other records showing the location, size, depth, of all existing utilities including service connections and other structures, fixtures associated with such utility systems. The Director shall also maintain a complete and current file of all available design data, record drawings and specifications relating to privately owned utility systems within the Utility's area of jurisdiction.

**Section 19-56 Conformity to County and/or Town Code**

The Utility shall conform to all applicable provisions of County and Town Codes.

**Section 19-57 Conduct of the Utility**

Employees or agents of the Utility are expressly forbidden to demand or accept any compensation for any service rendered to its customers except as covered by these regulations.

Employees or agents of the Utility shall not have the right or Utility to bind the Utility by any promise, agreement or representation contrary to the letter or intent of these regulations.

Any complaint against the service or against any employees of the Utility should be made at the office of the Utility. Any complaint requesting a formal corrective action shall be in writing addressed to the Public Works Director.

**Section 19-58 Service Connections**

When economically feasible as determined by the Utility, the Utility will install all service connections from Utility owned sewer lines to the edge of the street, alley, right-of-way or easement. All construction beyond this point will be done by the property owner at their expense unless the utility elects to participate in the costs beyond the property or easement boundary.

**Section 19-59 Hazardous Waste**

The Utility shall not accept Hazardous Waste from any source.

**Section 19-60 Right of Access**

The authorized officials, employees or agents of the Utility bearing proper credentials and identification shall be permitted to enter private properties through which the Utility holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the water or sewer works lying within said

easement. All entry and subsequent work if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

While performing the necessary work on private properties referred to above, the authorized officials, employees or agents of the Utility shall observe all safety rules applicable to the premises established by the customer and the customer shall be held harmless for injury or death to the Utility employees and the Utility shall indemnify the customer against loss or damage to its property by Utility employees and against liability claims and demands for personal injury or property damage asserted against the customer and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the customer to maintain safe conditions in and around facilities as required in sections 19-143(G), 19-152 and 19-170.

### **Section 19-61 Information Concerning Industrial Processes**

The authorized officials or agents of the Utility are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

### **Section 19-62 Confidential Information**

All records and information received are subject to the Virginia Freedom of Information Act, with the exception that information constituting trade secrets under 40 C.F.R. Section 403.14 are deemed protected from disclosure by virtue of operation of Virginia Code, Section 62.1\_44.2 et seq., of the Code of Virginia of 1950, as amended.

### **Section 19-63 Tampering With or Damage to Utility Systems**

No person shall tamper with or damage any pipe line, structure, appurtenance or equipment which is a part of any sewage or water works.

When damage occurs to a meter, a service connection, or to any other Utility property by the acts of the customer or the customer's agent, by the act of any non-utility party, or from the premises of the customer, the Utility shall bill said party for the cost of repairing such damage. The cost shall cover all materials, labor, utility equipment charges, cost of subcontracting repairs, and other applicable costs.

The Utility is not liable for damage to its utility lines when a request for utility markings is not received at the Utility office at least two working days prior to digging. Regulations regarding utility markings shall be posted at all Utility offices and the Westmoreland County Office of Land Use Administration.

### **Section 19-64 Responsibility for Property of Customer**

The Utility is neither liable for damages to property of the customer by water delivered through the facilities of the customer nor is it liable for damage to property caused by spigots, faucets, valves, and other equipment that may be open when water is turned on at the meter, either when turned on originally or when turned on after a temporary shutdown. The Utility assumes no liability for loss or damage to any water equipment of the customer.

The Utility is not liable for damage caused by an obstructed, leaking, or damaged building sewer, building sewage drain or plumbing fixture, or sewage backup or sewage backflow from a wastewater line.

#### **Section 19-65      Ground Wire Attachments**

The Utility may terminate service, after proper notice, in the event electrolysis damage occurs to the public water mains of the Utility by the attachment of electrical ground wires to building water piping.

#### **Section 19-66      Interruptions in Service**

- A. Shut-off. The Utility may at any time shut off or otherwise cease operations of any portion of the water or sewer system(s) of the Utility in case of accident, for the purpose of making connections, alterations, repairs, changes, or for other reasons and may restrict the use of water to reserve a sufficient supply for public fire service or other emergencies whenever the public safety may require such action.
- B. Notice. The Utility will attempt to give notice in advance of any work that necessitates an interruption of the water supply or ability to receive, transmit or treat wastewater. Such notice shall be considered a requirement on the part of the Utility except during emergencies and when conditions warrant. Customers shall so regulate their installations connected with the water supply system and sewer system such that damage does not occur when water is shut off or turned on without notice.
- C. Liability. The Utility will use reasonable care and diligence in order to prevent and to avoid interruptions and fluctuations in water and sewer, but it cannot and does not guarantee that such will not occur. In any case, no interruption of water or sewer service by the Utility shall impose any liability upon the Board of Supervisors, County Administrator or the Utility and its officials, employees or agents.

#### **Section 19-67      Computation of Time**

In computing any period of time prescribed by these regulations, exclusive of Section 19-106, the date of the act or event which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the next day which is not a Saturday, a Sunday or a legal holiday. When the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

#### **Section 19-68      Amendments**

Amendments to these regulations shall be only by approval of the Westmoreland County Board of Supervisors. Amendments to the Standards and Specifications shall be as approved by the Board of Supervisors.

## **Section 19-69 Prohibitions**

1. The resale of water or wastewater services is prohibited except by contract with the utility.
2. No person shall remove, alter or open any sewer manhole, pipe, fire hydrant, meter box, valve, or any facilities connected with utility facilities without written permission from the Public Works Director.
3. No person shall deposit or cause to be deposited any building materials, dirt, rubbish or other matter or material over or around any utility water or wastewater facility without written permission from the Public Works Director.
4. No person shall deface, injure or otherwise damage any water or wastewater appurtenance of the utility.
5. No water or sewer lines, facilities or services shall be constructed, installed or otherwise extended beyond the service area of the utility without the express approval of the Board of Supervisors.
6. No person shall make any connection to or extension of a public water or sewer main or other facilities of the utility unless authorized in writing by the Public Works Director.
7. No person shall trespass in any manner upon any land or building owned, leased or controlled by the utility and used either directly or indirectly in association with the utility water or wastewater system and related facilities.

## **Section 19-70 Penalties**

Any person who is found to be in violation of these regulations shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding one thousand dollars (\$1,000) or sentenced to thirty (30) days in jail, either or both in the discretion of the court or jury trying the case for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

## **Section 19-71 Severability**

If any provision of these regulations shall be determined by any court of competent jurisdiction to be unconstitutional or invalid, such determination shall not affect the validity of these regulations as a whole or any part thereof other than the part so determined to be unconstitutional or invalid.

## **Sections 19-72 - 19-78 Reserved**

## ARTICLE II. Definitions

### Section 19-79 Definitions

The definitions of words and terms which do not appear herein shall be controlled by the definition which appears in Glossary: Water and Wastewater Control and Engineering, 3<sup>rd</sup> Edition, published by the American Public Health Association, the American Society of Civil Engineers, the American Water Works Association and the Water Pollution Control Federation.

Shall and may are to be construed as mandatory and permissive, respectively.

Words singular in form shall include the plural; words plural in form shall include the singular; and words in the masculine gender shall include the feminine and neuter genders.

Unless the context specifically indicates otherwise, the meaning of terms used herein shall be as follows:

Act: Federal Water Pollution Control Act (Clean Water Act) 33 U.S.C. § 1251 et seq., as amended, including federal regulations adopted pursuant thereto.

Adjacent: premises contiguous to an easement of right-of-way within which there is located either a water or wastewater line and where the premises, as identified as of the respective dates of the establishment of water and/or sewer service areas, are within two hundred (200) feet of a water and/or wastewater line; provided, however, that the owner of an undeveloped single-family residential lot requiring a grinder pump to connect to the wastewater facilities, located either within a preexisting subdivision which was not initially required to be connected to public water or sewer or outside a subdivision, shall not be required to connect to a water or wastewater line if the owner has obtained a permit from the State Health Department prior to January 1, 2001 for installation of a private well or septic system and such well or system is installed prior to the expiration date of said permit with no renewals permitted to avoid connection to public sewer.

Applicant: The owner or his duly authorized representative who applies to the Utility for either water service or wastewater service or both such services. A person, business or industrial establishment who or which has requested utility services for a particular premise. An application of a husband or wife is to be considered as an application by both individually and jointly. The applicant is the party liable for payment. (See also Customer.)

Appurtenances: Any accessory object or component connected to a public water main or public sewer.

Authorized representative of industrial user:

- A. Principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
- B. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or
- C. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which a discharge into the Utility's system originates.

Backflow: the reversal of flow from its intended direction as a result of backsiphonage or backpressure.

Base costs: costs that tend to vary with the quantity of water used, or commodity costs, plus that portion of operating and capital costs associated with service to customers under average load conditions, without the elements necessary to meet water-use variations and resulting peaks in demand.

Board: the Westmoreland County Board of Supervisors, the governing body of the Westmoreland County Utility Service.

B.O.D. (biochemical oxygen demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions of incubation for five days at a temperature of twenty (20) degrees Centigrade, expressed as a concentration in milligrams per liter.

Branch sewer or sub-main sewer: a sewer that receives wastewater from a relatively small area and discharges into a trunk sewer or main sewer.

Building sewage drain: that part of the lowest horizontal piping of a sanitary sewage system which receives the discharge from soil, waste and other sanitary sewage pipes inside the walls of the building and conveys it to the building sewer which begins five (5) feet (1.52 meters) outside the inner face of the building wall.

Building sewer: The extension from the building sewage drain to the public sewer or other legally authorized place of disposal.

Building water piping: all water lines from the water service pipe to the points of ultimate use where water is exposed to the atmosphere.

Capacity: the amount of water demands or wastewater flows due to the developer's facility.

Capital costs: annual charges associated with plant investment; in the utility basis of accounting, it includes depreciation expense (allowance) and return on investment; taxes are excluded; the annual total of depreciation expense and return on investment equal the total cash requirement recoverable to meet annual capital investment related costs.

Categorical standards: National categorical pretreatment standards as promulgated by the United States Environmental Protection Agency at 40 C.F.R. Part 403.

Collecting sewer: that pipe line or portion thereof which begins at the sewer service connection and ends at the site of disposal and which is used or intended to be used to convey raw sewage from building or buildings.

Connected but not metered: Any premises served by the Utility sewer system which does not have water consumption or wastewater discharge measured by an approved meter.

Connection fee (tap fee): A charge payable to the Utility for connecting to a public water or sewer system.

Connector: The person, firm or corporation connecting to a Utility water or sewer system.

County: the County of Westmoreland, Virginia.

County Code: The Code of Ordinances for Westmoreland County, Virginia.

Cross-connection: any physical connection between a potable water supply and any waste pipe, soil pipe, sewer, drain, or any unapproved source or system; also, any potable water supply outlet which is submerged or can be submerged in waste and/or other source of contamination.

Customer: the party who has applied for and receives continuing water service or sewer service or both such services and who is responsible for payment of such services; each service connection shall be considered a separate customer.

- A. Owner-customer: the customer who owns the premises to which a service connection is provided.
- B. Tenant-customer: the customer who rents or leases the premises to which a service connection is provided.
- C. Customer with private water supply: the customer whose premises is served by a water source other than the Utility's water system (including towns of Colonial Beach and Montross), but discharges sewage into the wastewater system of the Utility.

Customer costs: costs associated with serving customers irrespective of the quantity of service used or the demand for service; includes meter reading, billing, customer accounting and collecting expense and uncollectible accounts, as well as maintenance and capital charges on meters and services.

Depreciation: as applied to depreciable utility plant, means the loss in service value not restored by current maintenance, incurred in connection with the consumption or prospective retirement of utility plant in the course of service from causes which are known to be in current operation and against which the Utility is not protected by insurance. Among the causes to be given consideration are wear and tear, decay, and action of the elements, inadequacy, obsolescence, changes in demand and requirements of public authorities.

Developer: any person, firm, corporation, society, or association, or authorized agent thereof, having an interest, whether legal or equitable, sole or partial, in any premises which may in the future be served by the facilities of the Utility, and which may in the future be responsible for the design and construction of facilities which are to be under the jurisdiction of the Utility and are to become a part of the public utility system of the Utility.

Development: Any building or subdivision activity which is required to have either site plan or subdivision approval of the County before it is commenced, including the construction of any duplex, requiring either new or expanded water supply or sewage disposal facilities. The term "development" shall not be construed to include any property which will be principally devoted to agricultural production.

Director: The Public Works Director of the Utility or duly authorized agent(s); or, if no Public Works Director shall have been appointed or a vacancy in such position at any time exists, the County Administrator or designee.

Discharge: Includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping of substance into the Utility sewerage system.

Distribution: the division of needed annual revenue requirements in a rate structure, that is, the unit charges to volume, to wastewater characteristics, to area, to front footage, or to property valuation.

Domestic usage: Normal family use, including, but not limited to, laundering, bathing, heating and cleaning, but shall exclude such uses of nonpotable water as car washing, lawn sprinkling.

Dwelling Unit: A single unit providing complete independent living facilities for one or more persons including permanent provisions for cooking, eating, living, sleeping and some degree of sanitation.

Easement: An acquired legal right for the specific use of land owned by others.

Engineer/Surveyor: A licensed Professional Engineer or a licensed Land Surveyor as defined in Chapter 4, Title 54.1, Code of Virginia of 1950, as amended.

Environmental Protection Agency (EPA): The United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of the EPA.

Equivalent sewer flow: Flows equivalent to the per capita domestic flow rates as established by the State Department of Health.

Equivalent Residential Connection (ERC): A volume of water used equal to an average residential connection, which is 300 gallons per day unless supportive data indicates otherwise.

Existing structure: a structure legally completed or a manufactured home or other structure legally placed on a lot on or before the date that notice is given that water or wastewater service is made available, as evidenced by a certificate of use and occupancy, and located within one hundred-fifty (150) feet of the easement or right-of-way in which such service is available.

Extra capacity costs: costs associated with meeting rate of use requirements in excess of average and include capital and operating charges for additional plant and system capacity beyond that required for average rate of use.

Facilities: any and all component and pertinent parts of the entire systems of the water and wastewater utilities under the jurisdiction of the Utility, such as water pipe line and their appurtenances, water storage tanks, treatment facilities and pumping stations, sewer lines and their appurtenances, sewage pumping stations and treatment plant, including these items and others now constructed, installed, operated or maintained by the Utility, or any which may be approved and accepted in the future as additions to or extensions of the systems.

Fire service connection: a pipe extending from a public water main to supply a sprinkler, standpipe, yard main, or other fire protection system.

Fire protection system: A separate system of water pipes or mains and their appurtenances installed solely to supply water to extinguish fires.

Fire service detector check meter: A special device for use on a fire service connection which consists of a weight check valve with a disk meter bypass; the disk meter measures small rates of flow only; the weight check valve opens for large rates of flow so that loss of head is relatively small; the large rates of flow are not measured.

Fixed charges (debt service): Charges resulting from the capital investment in the water and wastewater systems consisting of annual principal and interest payments and other amounts required in connection with the issuance and sale of bonds or other debt to provide the funds for construction.

Floatable oil: Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Future structure: a structure completed after the date notice is given that water or wastewater service is made available as evidence by the absence of a certificate of use and occupancy.

Future use capacity: capacity for the future in system facilities; capacity not needed at time of design and construction to accommodate existing needs; capacity which provides for the security and development of property and for community growth.

Garbage: All solid waste, including sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities and residences.

Gender: the word he or his, if used in these regulations, means the same as she or hers.

Governing body: The Board of Supervisors of Westmoreland County.

Grinder pump: a compact lift station with pump, storage capacity and appurtenant piping, valves and other mechanical and electrical equipment which grinds or reduces the particle size of wastewater solids to yield a sewage slurry for pumping from source to disposal.

Hazardous Waste: shall have the same meaning as set forth in Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. Section 6921 et seq.

Health officer; health department : The County of Westmoreland, Virginia, health director or duly authorized representative.

Incremental capacity: the additional capacity required in system facilities to accommodate a specific development; capital costs of such capacity is charged to the developer (property benefited) but often passed through to new customers in site costs.

Industrial sewage or wastes: Sewage or waste from any facility engaged in the conversion or combining of materials into a new or different material or processing of materials or objects for use or reuse, generally not for sale at retail on the premise of the manufacturing or processing facility.

Infiltration: water entering a wastewater system, including wastewater service connections, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls.

Inflow: water discharge into a wastewater system, including service connections from such sources, as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connection, storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage.

Intercepting sewer (interceptor): a sewer that receives dry weather flow from a number of transverse sewers or outlets and conducts such waters to a point of treatment or disposal.

Interceptor line: a conduit the primary purpose of which is to transport wastewater from collector lines to a treatment facility.

Interference: As appropriate, the inhibition or disruption of the POTW processes or operations that contributes to a violation of any requirement of the Utility's NPDES permit issued by the State of Virginia. The term includes any inhibition or disruption leading to the Utility's prevention of the sewage sludge use or disposal in accordance with Section 405 of the Act (33 U.S.C. Section 1345), or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or any more stringent state standard (including those contained in any state sludge management plan prepared pursuant to Title IV of the Safe Water Drinking Act) applicable to the method of disposal or use employed by the Utility.

Lateral sewer: a sewer line that discharges into a branch or other sewer line and has no other common sewer line tributary to it.

Local facilities: for water and sewer all facilities serving only one development; any line to which a service connection is made; and

- A. Sewer: all lateral and branch sewers designed and constructed too exclusively serve one development.
- B. Water: all transmission and distribution mains; all fire mains; all services, meters, meter installations and fire hydrants designed and constructed to exclusively serve one development.
- C. Dedicated Facilities: any water and/or wastewater facilities serving one development exclusively.

Minimum Monthly Metered Rate: water consumption based on computed number of equivalent residential connections (ERC).

Monitoring manhole: A manhole with a twenty-four inch opening that is installed on the discharge line from a user in order to facilitate collection of wastewater from only that user.

Multifamily unit: Two (2) or more residential single-family units in one structure, including condominiums and townhouses.

Multimeter installations: The installation of two (2) or more meters in the same or adjoining vault and served by a single service connection.

National categorical pretreatment standard or pretreatment standard: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) that applies to a specific category of industrial user and which appear in 40 C.F.R. Parts 405 to 471.

National pollution discharge elimination system permit (NPDES permit): A permit issued pursuant to Section 402 of the Act (33 U.S.C. Section 1342).

Natural outlet: Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Nonpotable water: Any water that does not meet the requirements as set forth herein for potable water.

Nonusers: a person who owns property adjacent to either water or wastewater facilities or both such facilities of the Utility but elects not to connect to such facilities because the property is served by either a domestic supply or source of potable water or a private septic system or sewage system or both such potable water or private system which meet applicable standards established by the Virginia Department of Health.

Not connected: Not physically connected to the Utility system.

Off-site extension: an extension of a water or sewer line from existing local or system facilities of the Utility to the property boundary of the developer in accordance with plans approved by the Utility or to the property boundary of the nearest applicant as determined by the Utility.

On-site extension: An extension to the existing Utility system in accordance with plans approved by the Utility, on connector's property or in a public right-of-way adjacent to connector's property.

Owner: any person, firm, corporation, society or association, or authorized agent thereof, having an interest, whether legal or equitable, sole or partial, in any premises served or to be served by the Utility.

Participation: means any utility project constructed by a developer at his expense to serve any new development wherein the Utility agrees to share in the cost thereof by refunding to such developer certain costs incurred by him upon receipt by the Utility of remittance from certain applicants or owners for service and affected nonusers.

Pass through: Discharge of pollutants through a publicly owned treatment works (POTW) as defined in the Federal Water Pollution Control Act (Clean Water Act) 33 U.S.C. § 1251 et seq., as amended, including federal regulations adopted pursuant thereto.

Person: Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns.

pH: The logarithm (Base 10) of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

Plant: physical or tangible property.

Plumbing Fixture: a receptacle or device (e.g. sink, toilet, tub, shower) which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges used water, waste materials, or sewage either directly or indirectly to the drainage system of the premises; or requires both a water supply connection and a drainage to the drainage system of the premises.

Pollutant: Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and any industrial, municipal, and agricultural waste intended for or discharged into the sewerage system.

Potable water: water free from impurities present in amounts significant to cause disease or harmful physiological effects and conforming in its bacteriological and chemical quality to the requirements of the U.S. Public Health Service Drinking Water Standards or the regulations of the State Department of Health.

Premises: any building, group of buildings, structure(s) or parcel(s) of land requiring water or sewer service, which is or may be served by the facilities of the Utility.

Pretreatment or treatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes or process changes or other means, except as prohibited by 40 C.F.R. Section 403.6(d) (1988) and VR 680\_14\_01, Section 7.2.A.1.

Project: a Utility project.

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 normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Public sewer: a sewer in which is controlled by the Utility.

Public sewer line, facility or system: A utility operating for public purposes and may include public ownership or a privately owned utility operating in a proprietary capacity to furnish utility services to persons other than the owner on a contractual basis.

Public water main: a water main in which all owners of abutting properties generally have equal rights and which is controlled by the Utility.

Publicly owned treatment works (POTW): Any device and system owned by the Utility and used in the collection, conveyance, storage, treatment, recycling, and reclamation of sewage, industrial wastewater, or other waste. POTW shall include any sewers, intercepting sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances and any extensions, improvements, remodeling, additions, or alterations thereof; any elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities; any works, including land used as an integral part of the treatment process or for the ultimate disposal of residue resulting from such treatment; and any other method or system used for preventing, abating, reducing, storing, treating, separating, or disposing of sewage, industrial wastewater, or other waste, including wastewater in combined sewer water and sanitary sewer systems. For the purposes of these regulations, POTW shall also include any sewers that convey wastewater to the POTW from persons outside the service area who are, by contract or agreement with the Utility, and/or users of the Utility's POTW.

Sanitary sewer: A sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

Service area: All residential and nonresidential property that is within the Utility's areas of jurisdiction and that is located two hundred (200) feet or less from a service line operated by the Utility.

Service charge: A charge based on the flow registered at the water meter and as levied to defray the cost of meter reading or obtaining meter readings from public and private utilities; for meter repair and replacement; for service connection repairs; for billing, postage, collecting, accounting; and for customer service operations. Where water is not metered the charge may be a flat rate as determined from special studies. The public works department may require metering of private wells to determine the wastewater flows from the connection to be served by the sewer system

Service connection: a premise to which either continuing water service or sewer service or both is provided by the Utility. A pipe wholly within a public right-of-way or easement conveying water to a premise including the meter; or the pipe from the building sewer or private sewer system to the collector sewer that conveys wastewater, which pipe is or will be wholly within a public right-of-way or easement.

Sewage: Wastewater.

Sewer: a pipe or conduit that carries wastewater.

Sewer service connection: the point at or near the applicant's property line where the building sewer connects to the sewer service line.

Sewer service line: that portion of pipe within the wastewater system, which extends from the branch or lateral sewer (public sewer) to the sewer service connection.

Sewerage system: Pipelines or conduits, pumping stations and force mains and all other constructions, devices and appliances appurtenant thereto, used for conducting sewage or industrial wastes or other wastes to a point of ultimate disposal.

Significant violator: Any person who fails to correct a violation for thirty (30) days after notification of noncompliance; shows a pattern of noncompliance over a twelve-month period; fails to accurately report noncompliance; or causes the Utility to exercise its emergency authority.

Significant industrial user:

- A. All industrial users subject to categorical pretreatment standards; or
- B. Any other industrial user that:
  1. Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater ("process wastewater" excludes sanitary, noncontact cooling, and boiler blowdown wastewater);
  2. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic (BOD<sub>5</sub>, Total Suspended Solids, etc.) capacity of the treatment plant; or
  3. Has a reasonable potential, in the opinion of the director, to adversely affect the treatment plant, pass through pollutants, contaminate sludge, or endanger treatment plant workers.

Single-family residential unit: A group of rooms including cooking accommodations occupied exclusively by one or more persons living as a single housekeeping or dwelling unit.

Sludge: Any solid, residue and precipitate separated from or created by the unit processes of the treatment plant.

Slug: Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

Standard industrial classification (SIC): A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987 and as amended.

Standards: the “Water and Sewer Standards and Specifications” of the Utility.

Storm drain (storm sewer): A drain for conveying water, groundwater, subsurface water or unpolluted water from any source other than that required to be discharged into an approved sewer.

Strong wastes: The following described substances, materials, waters or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Utility may set limitations lower than the limitations established in the regulations below if, in its opinion, such more severe limitations are necessary to meet the above objectives. In forming its opinion as to the acceptability, the Utility will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Utility are as follows:

Any liquid or vapor having a temperature higher than 104°F (40°C) or any temperature that will inhibit biological activity in the POTW;

Any wastewater that contains more than twenty-five (25) parts per million of petroleum based oil and grease;

Any flammable or explosive liquid, solid or gas;

Any raw garbage, other than from residential or commercial garbage grinders, ashes, cinders, sand, mud straw shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other objects or things that cause obstruction;

Any wastewater having a concentration of acidity and alkalinity of less than pH 5.0 or more than pH 9.0 or having any other corrosive property that causes or is likely to cause damage or injury, or constitutes a hazard to structures, equipment or personnel employed in the operation of the system;

Any wastewater containing a substance that injures or interferes or is likely to injure or interfere with any wastewater treatment process or which after treatment constitutes or is likely to constitute or create any hazard to human life or the environment;

Any wastewater containing a substance that is not susceptible to treatment by the wastewater treatment plant providing treatment;

Any wastewater containing a substance that would render unlawful the operation of any such wastewater treatment system or plant through which such substance passes;

Any noxious or malodorous gas or substance that creates a public nuisance;

In no case shall any storm, surface or subsurface water enter into any Utility sanitary sewer and it shall be unlawful for any plumber or other person to remove any plug from the sanitary sewer service line for any purpose other than making the house connection and such plumber or other person shall pump dry the trench in which the house sewer is laid before the plug is removed from the sanitary sewer in such a manner as to prevent the entry of any groundwater, surface water, trench water, silt or combination thereof into the sanitary sewer;

Any gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, radioactive waste, steam condensate, and any other substance which the Utility, Commonwealth of Virginia, or EPA has notified the user is a fire hazard to the system;

Solid or viscous substances which may cause obstruction to the flow in the sewerage or other interference with the operation of the wastewater treatment facilities;

Any wastewater containing toxic pollutants in sufficient quantity at the point of entry into the system, either singularly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or the environment, to create a toxic effect in the receiving waters, or to exceed the limitations set forth in a categorical pretreatment standard;

Any wastewater with objectionable color not removed in the treatment process;

Any pollutants, including oxygen demanding pollutants, (BOD<sub>5</sub>, etc.) released at a flow rate and/or pollutant concentration which will cause interference;

Any wastewater which causes a hazard to human life or creates a public nuisance;

Any other material deemed by the Director to be inconsistent with the best management of the POTW or its lawful operation;

Any of the following pollutants, including flashpoint, in violation of local limits as set forth below:

|          | <i>Maximum Daily<br/>mg/l</i> |
|----------|-------------------------------|
| Cadmium  | 0.04                          |
| Chromium | 4.17                          |
| Copper   | 3.19                          |
| Cyanide  | 1.00                          |
| Lead     | 0.45                          |
| Mercury  | 0.04                          |
| Nickel   | 2.02                          |
| Silver   | 0.19                          |

|                                         |       |
|-----------------------------------------|-------|
| Zinc                                    | 1.53  |
| Oil and grease (petroleum based)        | 100   |
| Oil and grease (animal/vegetable based) | 300   |
| Total Toxic Organic compounds (TTO)     | 2.13  |
| pH                                      | 5-9   |
| Flashpoint                              | 140°F |

All measurements to be made in accordance with 40 C.F.R. Section 136 except oil and grease, which shall be done by the Soxhlet Method.

Any wastewater with either B.O.D. or suspended solids in excess of 240 mg/l.

Subdivision: the division of any tract, parcel or lot of land into two or more parts for the purpose of transfer of ownership or building development or any such division of lands regardless of purpose which involves the creation of a new street or the recordation of new or revised lot lines.

Substantial Completion: Completion of construction which includes testing and certification that the work has been constructed, inspected and tested in accordance with the plans and specifications and is ready for beneficial use by the user.

Suspended solids: Suspended matter that either floats on the surface of, or is in suspension in, water, sewage, wastewater or other liquids, and which is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

System facilities:

- A. Sewer: any gravity sewer main or force main, all wastewater lines and all pumping stations and treatment plants and appurtenances in excess of an individual development's requirements and identified in the Westmoreland County Sewer Master Plan.
- B. Water: all transmission and distribution, all storage facilities; all supply plants, pumping plants and general plants unless part of an individual development's requirements and identified in the Westmoreland County Water Master Plan.

System replacement fee: a charge payable to the Utility for the cost of increasing or modifying existing facilities or system upgrades due to a developer's facilities. It may also include capacity charges from a separate provider of wastewater treatment facilities in order to handle the additional flow from the developer's facility.

Tenant: an applicant who does not own the premises.

Treatment Plant: The portion of the POTW designed to provide treatment of sewage.

Trunk sewer or main sewer: a sewer that receives wastewater from a number of tributary branch or sub-main sewers and serves a large territory.

Underground leak: A water leak on the premise of the user whose system is connected to the Utility system which leak is in the pipes only and then only if the pipe cannot be seen without digging or disturbing property. Leaks which are due to faulty installation of private systems even if under the earth and leaks which are due to mechanical failure or malfunction are included in this definition.

Unpolluted water: Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

User: Any person drawing water from a utility water line and/or any person who causes or permits the discharge of wastewater into the POTW, including persons who contribute such wastewater from licensed septage haulers.

Utility: The Westmoreland County Service Utility. A system or systems of water and wastewater facilities owned by a political subdivision or public service corporation and operated for the beneficial use of the owners and/or tenants of premises within the service area(s).

Utility service: water or wastewater service or both such services, either permanent or temporary.

Utility service area: the area served by a water or sewer line or sewer pump station exclusive of the development for which the facility is initially being constructed. The service area for a sewer line or pump station shall include the defined natural drainage area of the sewer line or pump station and/or an area within 200 feet of a sewer line easement as determined by the utility. The service area of a water line shall include the area within one hundred-fifty (200) feet of the right-of way or easement of the waterline.

Utility project: means any earth-disturbing activity performed in conjunction with the construction and installation of local and system facilities or an extension of or a connection to the facilities of the Utility to serve any existing or new development.

Volume charge: A charge in proportion to the volume of sewage contributed.

Wastewater (sewage): spent or used water of a customer (residential, commercial, industrial, institutional, governmental) which contains dissolved and suspended matter.

Wastewater facilities: the structures, equipment, and processes required to collect convey and treat domestic and industrial wastes, and dispose of the effluent and sludge.

Wastewater system: combination of facilities for the collection, movement (force main or gravity) treatment, and discharge of waterborne wastes.

Wastewater treatment works: An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used synonymously with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

Wastewater facilities (system): The structures, equipment, and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

Wastewater: The liquid and water carried industrial or domestic waste from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

Water service line: that portion of pipe within the water system which extends from the public water main to the water service connection (water meter or curb stop installation).

Water service connection: the point at or near the applicant's property line where the water service pipe connects to the water service line (water meter or curb stop installation).

Water service pipe: the extension from the end of the water service connection (water meter or curb stop installation) to the inner face of the building wall.

Watercourse: A natural or artificial channel for the passage of water either continuously or intermittently.

## ARTICLE III. Utility Availability and Connection Requirement

### Section 19-80 Availability of Service

The Utility will endeavor to continue to expand a given service area within the area of jurisdiction as service extensions become feasible for the Utility to undertake. Owners of developed property may be notified of service availability as service extensions are constructed. The Utility will attempt to notify abutting owners of vacant property in advance of construction operations in order to provide sufficient time for such owners to make application for service before lines have been constructed adjacent to or across such properties. The Utility will in no way be liable for failure to notify owners of vacant property in advance of construction.

### Section 19-81 Official Notice of Service Availability

Whenever any Utility owned water or sewer line is ready for customer connections to be made, an official notice of service availability will be given to the owners of all developed premises and to the owners of all undeveloped premises who have previously advised the Utility of their intent to receive a connection.

### Section 19-82 Connection Required

The following regulations shall be observed to determine who shall be required to connect to the facilities of the Utility:

- A. Service to existing structure. An owner or tenant of property adjacent to a right-of way or easement within which there is located a public water main or public wastewater line or both shall connect each existing structure or manufactured home situated thereon to the facilities of the Utility or, at the option of the Utility, to an alternative publicly owned utility provided, however, an owner or tenant of property shall not be required to connect an existing structure situated thereon to a public water main or to a public wastewater line when the following conditions apply:
1. Planning and Zoning. The existing structure is prohibited from connection to a water or sewer line by comprehensive plan land use designations, zoning, special use permit, or proffer conditions and is served by a domestic supply or source of potable water and/or a private septic or domestic sewage system which meets the standards established by the Virginia Department of Health.
  2. Water: the existing structure is used principally for residential or commercial purposes and is served by an existing functional domestic supply or source of potable water which meets the standards established by the Virginia Department of Health. Once connected to the County water system, reversion to an alternate water supply is prohibited.
  3. Sewer: the existing structure is used principally for residential or commercial purposes and is served by a private septic system or domestic sewage system which:
    - (a) Has absorption trenches that are functioning properly. The Virginia Department of Health shall determine whether absorption trenches are functioning properly, or
    - (b) Can be made to function properly by replacing or repairing one of the following: building sewer; septic tank or any of its parts; pump or pump chamber; conveyance lines: distribution box. Additionally, a one time remedial repair may be made to

correct a failing drainfield that would not require excavation or replacement of any portion of the drainfield such as a chemical treatment, flushing, or root removal; or

- (c) Has zoning, special use permit, or proffer conditions that do not permit a connection to a sewer line.
- B. Time to connect. The owner or tenant of an existing structure shall comply with this connection regulation within one (1) year after receiving from the Utility written notice that utility service is available.
- C. Plumbing facilities. An existing structure required by these regulations to connect to a utility service of the Utility but equipped with plumbing facilities required by the Virginia Uniform Statewide Building Code shall be so equipped and connected to the available utility service.
- D. Service to future structure new development. An owner of property shall be required to connect to the facilities of the Utility when each development or each future structure not part of a development when such development or future structure shall be situated on property adjacent to a right-of-way or easement within which there is located a public water main or wastewater line; provided however, that connection to said facilities shall not be required nor permitted if connection is not permitted by zoning, special use permit or proffer conditions. A replacement structure that is required due to a natural disaster or fire is not considered a future structure or new development.
- E. Access. The connection of development or an existing or future structure to a utility service of the Utility shall not be required of the utility when access to the affected property requires the crossing of property of another owner, provided Utility property and property of the Virginia Department of Transportation shall be excepted. The developer of property is responsible for obtaining all necessary easements to facilitate utility service and make possible proposed use or development of a structure or property.
- F. Application required. The owner or tenant, when required by these regulations to connect to a utility service shall make "Application for Service" in accordance with section 19-95.
- G. Service Termination. The owner or tenant of an existing structure who has connected to public water and/or sewer facilities in accordance with section 19-82(A) through (F) above may not revert to a private water and/or sewer system.

**Sections 19-83 - 19-92      Reserved**

## ARTICLE IV. Utility Service Terms and Procedures

### Section 19-93 No Free Service

There shall be no free service rendered by the Utility. If any local, State or Federal Government, or any department, agency or instrumentality thereof, or any other public or private body shall desire service to be rendered by the Utility, it shall apply for and receive such service pursuant to these regulations contained herein and shall pay for the same at the rates, fees and other charges as established by the Board of Supervisors.

### Section 19-94 Fees and Costs

Fees, costs and bills shall be paid to the Utility at the time of submission of an application or when a bill is due per the fee schedule (attached) established by the Board of Supervisors. Delinquent real estate and/or personal property taxes shall be paid prior to initiation of any application or service.

Service charges for vacant property and/or newly constructed buildings shall begin on the date that service is requested by the customer to begin, or the date on which beneficial occupancy begins, whichever is sooner.

The Utility will transfer a current account balance to a new or different address. Past due accounts must be paid in full for prior to processing applications for service at a new or different address.

### Section 19-95 Application for Service

Any person qualified by these regulations who either desires or is required to connect to water or wastewater service shall complete and submit to the Utility at its office an "Application for Service" in accordance with the provisions of this section.

#### A. General.

1. All information requested by the Utility shall be provided before an application is approved.
2. A separate service connection shall be required for each premise unless otherwise determined by the Utility in accordance with Section 19-142.
3. All applicable charges shall be paid before service is provided. Utility service shall not be provided to any prospective customer if that customer has any outstanding and unpaid utility charges arising from prior utility service to such prospective customer except as provided in section 19-101.

B. Service to existing connection. Application for service may be made in person or by phone by the owner or tenant at which time a Service Request Form will be filled out. When application is for a premises previously or currently billed for utility service the account for that premises is transferred to the applicant's name on the date that service is requested.

The Service Request Form shall contain the following information:

1. Date of application.

2. Name of prospective customer and type(s) of use(s).
3. Social Security Number, Drivers License Number or Taxpayer Identification Number of Customer as applicable.
4. Name of owner (if different than the applicant).
5. The county map number and street address, if assigned, to be supplied utility service.
6. The address to which the utility bill is to be sent (if different than the premises).
7. The desired date for commencement of utility service.
8. Written assurance to the prospective customer that the customer shall receive, upon request, a copy of these regulations.
9. Written acknowledgment by the prospective customer, that as a customer, they are responsible for the timely and complete payment of all utility charges arising from utility service supplied to the premises identified in the application for service and contract form, which charges are due and payable upon receipt of the utility bill; and that in the event of nonpayment of such charges the Utility shall either terminate service or institute any action at law to satisfy unpaid bills, or both.

When the situation arises and there is an anticipated need to prevent water damage, the applicant for water service to an existing premise to which public water has been supplied previously must arrange to have someone present with access to the premises when the water is turned on. Twenty-four (24) hours notice shall be given to schedule such turn-on.

- C. Service to new connection on existing facilities. Application for service and contract for initial service to serve either an existing or future structure to which facilities of the Utility are adjacent and available shall be made by the owner or authorized agent on a form prescribed and furnished by the Utility for the purpose of such application. The application shall be in writing, signed and verified by the owner of the premises to which the service is to be connected, and contain the following information and attachment(s):

1. The information identified in Section 19-95(B).
2. Name and Social Security Number, driver's license number, employer identification number or taxpayer identification number, as applicable, of owner and tenant, if applicable, of the premises to be supplied utility service.
3. Name of subdivision.
4. County map number and street address, if assigned, of the parcel to which the service connection is to be made.
5. The desired date for commencement of utility service.
6. Size of service requested.
7. Address to which bills are to be mailed or delivered if different than the premises.

8. The square feet and proposed use(s) of the structure(s) which the owner or tenant intends to build (not required if a site plan has been submitted and approved or for residential structures).
  9. The anticipated water demand and sewage flow, in gallons, except single family dwelling units and manufactured homes (not required for developments that have submitted and have approved site plans or for residential structures).
  10. Other information as may reasonably be required.
  11. Agreement to abide by the regulations of the Utility.
- D. Service to new connection on new facilities. When either water service or wastewater service is desired to serve existing or future structures or new development which require the construction of new facilities, application for service and contract shall be made by the owner as required in Article V - Facilities Extensions and Expansions.
- E. Facilities capacity. Facility capacity shall be obligated by contract on a first come-first serve basis and in the best interest of the Utility.

#### **Section 19-96            Temporary Service**

- A. Temporary service shall be provided to builders and developers at construction sites and for such special purposes as a circus, bazaar, fair, outdoor music or entertainment festival and similar uses when the following conditions are observed:
1. Temporary service is available for a period not to exceed six months; such service is billed in accordance with Section 19-94.
  2. Completion and execution of an agreement on a form provided by the Utility which describes the nature of the temporary service.
  3. Remit with the application for temporary service a sum of money equal to the estimated cost of installing, maintaining, replacing and removing the facilities which are required to furnish such service.
  4. No wastewater may enter a sewer service connection until the installation of the service connection is approved by the Utility.
- B. In the event the temporary service becomes a permanent connection, the cost of facilities installed with funds advanced by the applicant, which are used in providing regular service to such applicant, shall be credited to such applicant when facilities charges are remitted for the regular service connection.

#### **Section 19-97            Deposit**

To secure the Utility against loss, these regulations require certain customers and applicants for service to provide a deposit to guarantee payment for utility services received when certain conditions apply.

- A. Required deposit. Each applicant for service or for reinstatement of service shall post a deposit for one billing period's estimated charges with the Utility if one or more of the following circumstances applies:
1. The applicant is a tenant and the owner does not execute an application for service and contract.
  2. The applicant has previously had service terminated for nonpayment or had been assessed a transaction charge for late payment three (3) times during last twenty-four (24) months of prior service.
  3. The applicant currently has a utility bill, which is past due.
  4. The applicant desires temporary service for any purpose other than at a construction site.
  5. Service is terminated and the customer requests that the service be reinstated.
- B. Receipt. Upon receiving a cash deposit, the Utility shall furnish the applicant for service or customer a receipt showing: 1) the date thereof; 2) the name of the applicant or customer and address if the premises to be served; 3) the utility service to be furnished; and, 4) the amount of the deposit.
- C. Refund of deposit. Upon termination of service, the Utility shall promptly and automatically refund the customer's deposit, or the balance, if any, in excess of the unpaid utility bills for service furnished by the Utility. A transfer of service from one premise to another within the service area of the Utility shall not be deemed a termination of service within the meaning of these regulations.
- After the customer has paid bills for service for twelve (12) consecutive bi-monthly billings (twenty-four consecutive months) without having had service terminated for nonpayment of a utility bill or had more than three (3) occasions in which the utility bill was not paid within the period prescribed by these regulations, and the customer is not currently delinquent in payment of his bills, the Utility may, upon request, refund the deposit. After the initial twenty-four (24) month determination, if the customer does not qualify for the refund of deposit, the Utility may review the account yearly to determine if the customer qualifies.
- D. Record of Deposit. The Utility shall keep a record of each cash deposit until the deposit is refunded. The record shall show:
1. The name and current billing address of each depositor; and
  2. The amount and date of the deposit; and
  3. Each transaction concerning the deposit.
- E. Appeal by applicant or customer. The Utility customer representative shall inform an applicant for service or customer if a deposit is required. If the applicant expresses dissatisfaction with the decision of the Utility customer representative on the matter of the deposit, the Utility customer representative shall inform the applicant of the right to have the problem considered and acted upon by the Director. The decision of the Director shall be final and binding on the Utility and the applicant or customer.

- F. Number of deposits. If the Utility holds a deposit of a customer who has service terminated as a result of nonpayment, the deposit will not be applied to the outstanding balance if the customer desires service to be reinstated. In addition, a second deposit will be required before service is reinstated under the provisions of subsection A above. The Utility will hold no more than two deposits at any given time for the same customer account.

## **Section 19-98            Notices**

The following regulations shall be observed when either an applicant or customer, as appropriate, gives notice to the Utility and when the Utility gives notice to an applicant or customer.

- A. Applicant, customer notices. The applicant or customer shall give to the Utility written notice at the office of the Utility or shall notify the Utility in person or by telephone on the following matters:

1. Application for service, including temporary service.
2. Request to either turn-on or terminate service; if notice is to terminate service, then a forwarding address shall be supplied.
3. Request for a meter for private water supply.
4. Request for a meter accuracy test.
5. Disputed utility bill.
6. Change in mailing address if different than that of the premises.
7. Request for change in service, notice of compliant, notice of mailing address changes notices for a service connection, or request for a line inspection.

- B. Utility notice. The Utility shall give to the applicant or customer, as appropriate, written notice at the last known mailing address on the following matters:

1. Amount of bill due.
2. Failure to observe a regulation.
3. Scheduled temporary shutdown for repairs, improvements.
4. Termination of service.

In an emergency or when conditions warrant, the Utility may give notice either by phone or in person.

## **Section 19-99            Customer Billing**

Customers are responsible for furnishing the Utility with their correct address and to notify the Utility of any change of address. Failure to receive bills will not be considered as an excuse for nonpayment nor grounds for an extension of the date when an account will be considered delinquent.

If bills are to be sent to an address other than that of the premises served, the customer shall so notify the Utility in writing.

If requested in writing by the owner, the Utility will send bills to and receive payments from agents or tenants of the owner; however, this accommodation will in no way relieve the owner of the liability for all charges, and the Utility will not be obligated to notify the owner of the nonpayment of bills by such agent or tenant.

Payment shall be made at the office of the Treasurer of Westmoreland County or at such other places as may be designated by the Utility.

The Utility reserves the right to correct any bills rendered in error.

Each customer shall be billed separately for service. Billings will be rendered bi-monthly or as determined by the Utility.

### **Section 19-100      Meter Tests; Adjustment of Bill**

- A. Test for accuracy. A customer may request the County to examine and to test the meter serving a property to ascertain the accuracy of the registration of the amount of water delivered through it. The request for such test shall be made by written application to the County. A deposit in an amount determined by meter size reflected in section 19-94 shall accompany the application to cover the cost of the test.
- B. Written report. The County shall then remove the meter and conduct a test of the accuracy of such meter. A written report of the results of the test shall be delivered to the customer within ten (10) calendar days after completion of the test.
- C. Bill adjustment.
  1. Fast meter. When the meter is found to have registered three percent or greater increase on any flow level, the customer shall receive a refund of the overcharge, either in cash or a credit against future charges at the option of the customer, for the period that the meter was in use, but not to exceed six (6) months. In addition, the deposit remitted with the application for test shall be refunded in full. No refund of the deposit shall be made when the meter registration is less than three percent (3%) fast.
  2. Slow meter. When the meter for a domestic service is more than twenty-five percent (25%) slow on any flow level, the customer shall be billed for the undercharge for the period that the meter was in use, but not to exceed six months. When a meter used for other than domestic service is more than five percent (5%) slow, the customer shall be billed for the undercharge for the period that the meter was in service, but not to exceed six (6) months. The deposit remitted with the application for test shall be refunded.
  3. No Registration. When a defective meter does not register, the County shall bill the customer an average of the consumption shown on the last three (3) consecutive utility bills or if historical data is absent then base bill on the minimum monthly metered rate. The deposit remitted with the application for test shall be refunded.

**Section 19-101      Utility Bill**

- A. Frequency: address. A utility bill may be mailed bi-monthly, as determined by the Utility, to every customer for utility service supplied during the time period shown on the utility bill.
- B. Contents of Bill. Each utility bill may contain, as a minimum, the following information:
1. The date of the utility bill.
  2. The time period of utility service covered by the utility bill.
  3. The utility charge(s) due.
  4. The date when complete payment is due at the Westmoreland County Treasurer's office which date usually being thirty (30) days from the date of the utility bill.
  5. Notice whether the bill is based on an actual or an estimated measurement of the amount of utility service supplied.
  6. Notice that the customer may call the County customer representative whose telephone number shall be listed on the utility bill, in order to:
    - (a) Dispute the amount of the utility charges.
    - (b) Avoid the termination of utility service for nonpayment of the amount(s) shown on the utility bill.
    - (c) Apply for restoration of utility service.
    - (d) Request answers to any other questions about utility service.
- C. Mailing address. The utility bill shall be sent to the mailing address shown on the "Application for Service"; provided, however, the utility bill shall be sent to a different address when the customer has given written notice to the County of such different address.
- D. Correction of utility bill. The County reserves the right to correct a utility bill rendered in error.
- E. Payment. A utility bill is due and payable upon receipt by the customer. Failure of the customer to receive either a utility bill or notice of termination shall neither be considered cause for nonpayment, nor justification for extension or the payment date, nor affect the right of the Utility to either terminate service or to file a lien or a motion for judgment for money in accordance with these regulations. Payments shall be made at County Treasurer's office.
- F. Estimated bill. An estimated utility bill shall be mailed to the customer if the meter fails to register for any reason or the reader is unable to gain access to the premises at the time the meter is scheduled to be read. Such estimated utility bill shall be based on an average of the consumption shown on the last six (6) consecutive bi-monthly utility bills (twelve (12) consecutive months), if available.
- G. Partial period bill. The utility service charge for an initial or final utility bill for less than a full billing period shall be based upon actual consumption.

H. Final bill. A customer who requests that utility service be terminated shall give to the utility a termination date and a forwarding address. The meter shall be read on the termination date and a final utility bill shall then be prepared and mailed, or personally delivered, to the terminating customer. Any deposit, held by the County shall be deducted from the final utility bill, and the balance then due shall be billed or the unapplied portion of the deposit refunded.

A duplicate copy of the final bill to the tenant customer shall be mailed upon preparation to the owner of such leased or rented real estate (premises).

I. Miscellaneous bill. A utility bill other than a regular utility bill rendered by the County is due and payable upon receipt by the customer and shall be paid in accordance with the provisions of these regulations.

J. Abatement; refund. The County is not responsible for water charges incurred due to leakage or for water wasted by water service pipes or fixtures that are either damaged or in disrepair which belong to the customer. However, in certain cases, the Utility Director may at the Director's discretion, determine a fair and reasonable settlement of the disputed bill, when, in his opinion, the circumstances justify such consideration and without which, an injustice to the consumer will result. However, in the event of broken water lines caused by excessively cold weather or an underground leak, and upon presentation of evidence that the leak has been promptly repaired, the utility bill may be adjusted as follows:

1. One-half ( $\frac{1}{2}$ ) of the amount in excess water reflected on the utility bill due to this cause, based on the average of the last three (3) bills; and
2. If connected to the public sewer, all of the estimated amount of water which did not enter the public sewer.

Adjustments shall not be considered for disputed bills that are over six (6) months old.

K. Account charge. An account charge shall be paid by each applicant for service, whether for a new account or for a transfer of account from one premises to another premises. Such charge shall be collected at the time application is made or shall be added to the first utility bill for new and transferred accounts. Such charge is used to defray bookkeeping and clerical costs.

L. Transfer of charges. A customer who terminates service at one premises may transfer outstanding utility charges incurred at such premises to any other account for a premises in the name of such customer which, if unpaid within the time specified in section 19-105, shall subject the latter account to termination.

M. Customer liable for utility charges. A customer who has either made "Application for Service" or who has received utility service at a premises shall be liable for all utility service furnished to such premises until such time as the customer has properly notified the Utility to terminate the service to such premises.

N. Transaction charge for late payment. A transaction charge for late payment shall be added to each bill in the event the bill is not paid by the due date.

O. Returned check charge. A charge of twenty-five dollars (\$25.00) shall be assessed for any check in payment of a utility bill which is returned for insufficient or uncollected funds, or drawn on a closed account, or drawn on a nonexistent account. If such check was presented in order to avoid termination of service for nonpayment of a utility bill, or to have

service restored after such termination, utility service shall be terminated and this charge, as well as all others due and payable, shall be submitted in cash, cashier's check, certified check or money order before utility service is restored.

## **Section 19-102      Customer Dispute with Utility Bill**

- A. General. At any time before the date of termination of utility service for nonpayment of the amount(s) shown on either a utility bill or a notice of termination, a customer may dispute the correctness of all or part of the amount(s) shown in accordance with the provisions of these regulations.

A customer shall not be entitled to dispute the correctness of all or part of the amount(s) if all or part of the amount(s) was (were) the subject of a previous dispute under this section.

- B. Procedure. The procedure for customer disputes shall be as follows:

1. Before the date of termination the. customer shall notify the County in writing at its office that there is a dispute regarding all of the amount(s) shown on a utility bill, or a notice of termination, stating as completely as possible the basis for the dispute.
2. If the County determines that the present dispute is either untimely or that the customer previously disputed the correctness of all or part of the amount(s) shown, the Utility shall mail to the customer a notice stating that the present dispute is untimely or invalid. The Utility shall then proceed as if the customer had not notified the Utility of the present dispute.
3. If the County determines that the present dispute is timely or valid under this Section, the County, within three (3) days after receipt of the customer's notice, shall arrange an informal meeting between the customer and the Utility customer representative.
4. Based on the County records, the customer's allegations and all other relevant materials available to the customer representative, the customer representative shall resolve the dispute, attempting to do so in a manner satisfactory to both the customer and the Utility.
5. Within five (5) days of completion of the meeting, the customer representative shall mail to the customer a notice of the decision resolving the dispute.
6. If the decision is unsatisfactory to the customer, the customer, within seven (7) days of the date of notice of the customer representative's decision, may request in writing a hearing before the Public Works Director.
7. The hearing before the Public Works Director shall be held within ten (10) days of the Utility's receipt of the customer's written request.
8. At the hearing the County and the customer shall be entitled to present all evidence that is, in the view of the Public Works Director, relevant and material to the dispute.
9. Based on the record established at the hearing, the Public Works Director, within five (5) days of completion of the hearing, shall issue a written decision formally resolving the dispute. The Public Works Director's decision shall be final and binding on the Utility and the customer.

- C. Payment of undisputed charges. Use of this dispute procedure shall not relieve a customer of his obligation to timely and completely pay all other undisputed utility charges and the undisputed portion(s) of the amount(s) which is (are) the subject of the present dispute.

Notwithstanding section 19-102(D), failure to timely and completely pay all such undisputed amounts shall subject the customer to termination of utility service in accordance with the provisions of these regulations.

- D. Payment of disputed charges. Until the date of the Public Works Director's decision, the County shall not terminate the utility service of the customer and shall not issue a notice of termination to the customer solely for nonpayment of the disputed amount(s). If it is determined that the customer must pay some or all of the disputed amount(s), the County shall promptly mail to, or personally serve upon, the customer a notice of termination which shall contain the following:

1. The amount to be paid.
2. The date of the notice of termination.
3. The date of termination, which shall be ten (10) days after the date of notice of termination.
4. Notice that unless the Westmoreland County Treasurer's office receives complete payment of the amount shown prior to the date of termination, utility service shall be terminated under sections 19-104 and 19-105.

### **Section 19-103      Delinquent Accounts; Actions at Law**

To secure monies due and payable to the Utility from the customer whose account is delinquent because of the nonpayment of a utility bill(s), the Public Works Director and Attorney may perform the following tasks:

- A. Lien for charges.
1. Real estate. Charges for utility services shall be lien upon the premises as provided by the Code of Virginia (1950, as amended). Two (2) weeks after the date that utility service is terminated, as provided in sections 19-104 and 19-105, the Public Works Director shall file with the Clerk of the Circuit Court of Westmoreland County a "Statement of Lien." This statement shall contain the following:
    - (a) Legal description of the premises served.
    - (b) Amount of the unpaid bill.
    - (c) Notice that the Utility claims a lien for the amount of the unpaid bill and for all charges for utility service subsequent to the period covered by such bill.
    - (d) Petition the Clerk to record the lien in the judgment lien book.

Such lien, when properly entered, shall be enforced by the Utility Attorney as described in Section 19-103(B).

Normally, such statements shall be batched monthly by the Public Works Director and filed with the Clerk.

2. Personal property. Two (2) days after the date that utility service is terminated, as provided in Sections 19-104 and 19-105 above, the Public Works Director shall file with the Utility Attorney a "Statement of Delinquent Account" when such account is one hundred dollars (\$100) or more in arrears. This statement may contain the following:
  - (a) Name and last-known address of the customer.
  - (b) Amount of the unpaid bill, the amount(s) classified according to utility service(s) furnished.
  - (c) Time period covered by the unpaid bill.
  - (d) Date complete payment was due and payable.
  - (e) A copy of the "Application for Service".
  - (f) Petition to the Utility Attorney to file for a judgment in the Westmoreland County General District Court (Westmoreland County Circuit Court when the sum of unpaid bill exceeds \$7,000).

The Utility Attorney shall immediately file for a judgment in the proper court of Westmoreland County. When a judgment is rendered against the customer and the customer defaults in the payment thereof, the Utility Attorney shall immediately request the ruling court for a writ of fieri facias and he shall docket same in all jurisdictions in which the customer is known to own or have interest in real or personal property, or both, thereby creating a lien upon such property.

#### B. Enforcement of lien.

1. Writ of fieri facias. When a writ of fieri facias has been issued, the Utility Attorney shall petition the Westmoreland County court having jurisdiction to issue to the customer a summons to answer interrogatories to ascertain the personal estate (goods and chattels) and the real estate in and out of the Commonwealth, on which the writ is lien.
2. Interrogatories. Upon the issuance and service of such summons to the customer to answer interrogatories, the Utility Attorney shall secure from the customer sufficient information about ownership and interest in real and personal estate to determine the appropriate action to satisfy the judgment.
3. Garnishment, levy, creditor's suit. The Utility Attorney, on facts learned during the interrogatories, shall initiate at his election the following actions:
  - (a) Garnishment. A petition to the Clerk of the Westmoreland County General District Court to issue a summons to one or more garnishees (a third party, e.g., an employer, who is indebted to the customer) to enforce the lien created by the writ. Payment(s) rendered to the Utility by the garnishee shall be applied in satisfaction of the judgment for money.
  - (b) Levy. A petition to the Sheriff of Westmoreland County to levy on the personal property (e.g., savings account, checking account, notes, securities, automobiles) of the customer. The Utility Attorney shall request the Sheriff to levy on certain personal estate (goods, and chattels) at a certain location(s). The Sheriff seizes and then

sells the goods and chattels of the customer and returns to the Utility the proceeds therefrom to satisfy the judgment for money. At the request of the Sheriff, the Utility Attorney shall cause the procurement of a bond to indemnify the Sheriff in such seizure and sale.

- (c) Creditor's suit; sale of land. When the judgment cannot be satisfied by the personal estate of the customer, the Utility Attorney may institute a suit in equity to have the real estate, if any, of the customer sold.
- (d) Enforcement priority; customer tenant. The Utility Attorney, without delay, shall (1) obtain judgment against a customer tenant who is delinquent in the payment of a utility bill and (2) cause the clerk of court to issue a writ of fieri facias upon the property of such customer tenant. The Utility Attorney may make a reasonable effort to satisfy the judgment from the personal and real estate of the customer tenant before instituting action at law to satisfy the judgment against the owner of the real estate the use of which by the customer tenant gave cause for the judgment for money.
- (e) Suspension of action. The Utility Attorney, at his discretion, and after conferring with the Westmoreland County Director of Social Services, may suspend action to file for judgment, or to initiate a creditor's suit, when a customer is the recipient of either unemployment compensation, or workmen's compensation, or a participant in a social services program.

#### **Section 19-104      Termination of Utility Service**

- (a) Causes for termination. Utility service, after proper notice as required by these regulations, shall be terminated for any of the following causes:
  - 1. Nonpayment of utility charges due.
  - 2. Contamination of the water supplied by the Utility when caused by an appliance or apparatus of the customer.
  - 3. Service to a customer is of such magnitude or such character that utility service to other customers is adversely affected.
  - 4. Failure to protect and maintain the water service pipe or building sewage drain on the property of the customer in a condition satisfactory to the Utility.
  - 5. For tampering or altering by the customer, or others with the knowledge of the customer, with any meter, service connection, utility service line, curb stop, seal or any other appliance or apparatus of the Utility which controls or regulates the customer's utility service or the service of other customers.
  - 6. Failure to provide to employees of the Utility free and reasonable access to the premises served, or for obstructing ingress to the meter or other appliances which control or regulate the customer's water supply.
  - 7. Failure to correct a backflow or cross connection violation as required by the Waterworks Regulations of the Virginia Department of Health or the Virginia Uniform Statewide Building Code, as the same may be in effect from time to time.

8. Failure to comply with these regulations.
  9. For fraud or abuse, including the nondisclosure of information on the "Application for Service and Contract," or any false statement or misrepresentation.
  10. Negligent or wasteful use of water during periods when restrictions on consumption are imposed to conserve water.
  11. For abandonment of the premises.
  12. For the willful or indifferent introduction of strong wastes into the sewer system above that provided for in the written contract with the utility.
- (b) Other action. Termination of utility service to any premises for any cause shall not prevent the Utility from pursuing any lawful remedy by action at law or otherwise for the collection of monies or damages due from the customer.
- (c) Payment required before service restored. When utility service to a customer has been terminated for any of the above causes, other than temporary vacancy of the premises, it shall be restored only after the conditions, circumstances, or practices which caused the utility service to be terminated are corrected to the satisfaction of the Utility and upon payment of all utility charges due and payable by the customer in accordance with these regulations.

#### **Section 19-105      Utility Service Termination Procedure**

- A. Nonpayment of utility charge. The provisions of this Section shall govern all terminations of utility service for nonpayment of utility charges.
1. Notice of termination. If by the payment date shown on a utility bill the Utility has not received complete payment of the amount(s) shown on the bill, the Utility shall mail to, or personally serve upon, the customer a notice of termination within seven (7) days after the payment date. In case of a customer tenant, the Utility shall mail a copy of such notice to the owner of the premises.
  2. Content of notice. The notice of termination shall contain the following:
    - (a) The amount to be paid.
    - (b) The date of the notice of termination.
    - (c) The date of termination, which shall be at least ten (10) days from the date of the notice of termination.
    - (d) Notice that unless the Utility receives at its office complete payment of the amount shown prior to the date of termination, utility service shall be terminated under section 19-105(A)(3).
    - (e) Notice that in lieu of paying the entire amount shown, a customer, prior to the date of termination, may notify the Utility that he disputes the correctness of all or part of the amount shown, if all or part of the amount shown was not the subject of a previous dispute under section 19-102.

(f) The telephone number of the Utility customer representative.

3. Termination of utility service. If, prior to the date of termination:

(a) the Utility has not received at its office complete payment of the amount shown on the notice of termination, or

(b) the customer has not notified the Utility that he disputes the correctness of all or part of the amount shown on the notice of termination, then the Utility shall terminate utility service provided to the customer on the date of termination.

4. Payment prior to termination date. If the Utility receives payment at its office of the entire amount shown on the notice of termination prior to the date of termination, such payment shall be considered a timely and complete payment for purposes of these regulations.

Payment in the Field. If an employee of the Utility goes to a site for the purpose of terminating service to a customer for nonpayment, and such customer requests to pay the employee the amount owed to the Utility in order to avoid service termination, then an additional \$10.00 fee shall be assessed. Payment, of the entire amount, shall be made only by check.

B. Other causes. Normally, the notice and period of time for compliance provisions of section 19-105(A) shall govern the termination of service for causes other than the nonpayment of utility charges; provided, however, when warranted by the circumstances, the period of time for compliance may be either collapsed or suspended.

1. Content of notice. The notice of termination for causes other than the nonpayment of utility charges shall contain the following:

(a) The cause of the termination.

(b) The corrective action required by the customer when such action is under the control of the customer and the cause can be corrected by the customer without loss or injury to the Utility.

(c) The date of the notice of termination.

(d) The date of termination of service.

(e) Notice that unless the corrective action is completed prior to the date of termination, utility service shall be terminated on the date of termination.

In case of a customer tenant, the Utility shall mail a copy of such notice to the owner of the premises.

C. Method of termination. When utility service is terminated one or more of the following methods shall be used.

1. Sewer service shall be terminated by one of the following methods:

(a) If water service is furnished to the customer by the Utility, the water supply shall be cut off and the meter removed.

(b) If water supply is furnished to the customer by the owner, or an entity other than the Utility, the Utility reserves the right to:

- (i) Remove the meter used for measuring the water supply to the public sewer, or
- (ii) Seal the building sewer, or
- (iii) Remove the sewer service connection to the public sewer.

2. Water service. Either section 19-105(C)(1)(a) or (b) above shall be observed.

D. Limitations on termination of utility service.

- 1. Hours, days of termination. The Utility shall terminate utility service for nonpayment of utility charges or for other causes only during the hours of 8:00 a.m. to 4:00 p.m., Monday thru Thursday. No termination shall be permitted on a legal holiday or on the day before a legal holiday.
- 2. Suspension of limitations. When warranted by the circumstances the limitations in section 19-105(D)(1) shall not apply to the termination of utility service for causes other than nonpayment of utility charges.
- 3. Health. Service shall not be discontinued if the State Health Commissioner shall have found and shall certify to the Utility that suspending such service will endanger the health of the persons occupying such premises or the health of others.

**Section 19-106      Restoration of Utility Service**

- A. Conditions for restoration. When it has been necessary to terminate utility service to any premises because of a violation of these regulations, or because of nonpayment of any utility bill, utility service shall be restored upon payment of the following charges:
  - 1. If service was terminated only by turn off of water which supplies the premises, the customer shall pay charges as prescribed in section 19-94 for turning on the water plus arrears in charges that may be due and payable to the Utility by the customer.
  - 2. If service was terminated by sealing the building sewage drain, or by removal of the service connection to the public sewer, the customer shall pay the charge as prescribed in section 19-94. Such charge shall be estimated by the Utility upon application for restoration of service and the customer shall pay the amount of the estimate prior to restoration of service. Any adjustment in actual cost shall be made upon completion of the restoration of service.
- B. Hours, days for restoration. Restoration of water service for nonpayment of a utility bill is made during working hours, 8:30 a.m. to 4:30 p.m., Monday through Friday, within twelve (12) hours of the Utility receipt of complete payment of the amount the nonpayment of which prompted the termination. Such payment shall not be considered a timely payment for purposes of these regulations.
- C. Deposit. Prior to restoration of service for nonpayment of a utility bill, the customer shall make a deposit as provided in Section 19-94 of these regulations.

D. Other causes. Restoration of service for causes other than nonpayment of utility charges shall be made upon completion of the work necessitated by the termination of service.

**Sections 19-107 - 19-117    Reserved**

## ARTICLE V. Facilities Extensions and Expansions

### Section 19-118 New Development

The following policies govern the extension and expansion of Utility facilities.

A. Service to new developments. The developer of any new subdivision intended for residential, commercial or industrial use or any combination thereof, or the developer of any commercial or industrial site shall construct all Utility facilities as herein required. The Utility reserves the right at any and all times to make, connect or permit new connections, extensions, or improvements or to otherwise use the facilities in the best interests of the Utility.

1. Primary and Secondary Growth Areas and Utility Service Areas.

(a) Local facilities. The developer shall construct and install at his expense all local facilities within the proposed subdivision or development. Investments by a developer in local facilities to serve proposed development, such as distribution mains, service connections and meters, fire hydrants, sewer laterals, manholes and other local appurtenances, shall neither be refunded by nor become an obligation of the Utility as such investments are considered a benefit accruing to the property which is recovered through an increase in the value of the property.

(b) System facilities. The Utility is responsible for the construction and installation of all system facilities when consistent with the Comprehensive Plan and Master Water and Sewer Plan, economically feasible, and system capacity is available, except when the extension or lift station expansion is for new development. When new development requires an off-site line extension or lift station expansion, the costs shall be the responsibility of the developer and provisions of section 19-118(D) shall be observed.

When a developer provides for the extension or expansion of a facility over that needed by the project in order to operate as a system facility, the Utility may, at its option, reimburse the developer directly or enter into a rebate agreement for its share of the cost of providing the additional capacity.

2. Outside Growth or Service Areas. The County generally does not support development densities and intensities of an urban and suburban nature outside Growth Areas or Service Areas in accordance with the County Master Water or Sewer Plan. Development of this nature is not consistent with the Comprehensive Plan or the Master Water and Sewer Plan and in most cases will require the approval of the Board of Supervisors. The Comprehensive Plan generally does not support the formation of new, private, central utility systems outside the Growth Areas or Service Areas. Where approved, the following shall apply:

(a) Local facilities. All conditions in Section 19-118(A)(1)(a) above apply.

(b) System facilities. The Utility has no responsibility for the construction and installation of system facilities which serve developments outside growth areas or service areas. However, the Utility, under written contract, may permit the construction and installation of such facilities at the expense of the developer. Non-county facilities shall meet the same construction standards as County utility facilities.

Provided further, should existing facilities require upgrades due to the developer's facilities, the developer shall be required to pay a System Replacement Fee to cover the cost of increasing or modifying existing facilities. The terms and amount of this fee shall be determined by the provisions of the written contract which shall be set forth before beginning construction of the system facilities outside the Service Area.

3. Application required. A developer who desires water or wastewater service or both such services for a certain specified area, shall make application to the Utility before starting construction of any water or wastewater facilities. Each application shall be approved consistent with federal, state and other local ordinances as applicable and approved by the County Zoning Administrator for that area to be served for the particular type(s) of land use(s) described in the application. Instructions as to the form and content of applications for water and wastewater services are set forth in the Standards and Specifications.

Upon approval of the application, the developer shall enter into a written contract with the Utility in accordance with section 19-118(E). The contract shall describe in detail all fees, rebates, refunds, or exemptions that may occur as a result of the proposed project.

4. Dedication of facilities. Immediately upon completion and acceptance of the utility facilities, such facilities shall be dedicated and transferred to the Utility on a form prescribed by the utility. The facilities to be dedicated and transferred shall include all local and system facilities, land and rights, structures and other necessary components of the utility system. The developer shall transfer such facilities free of debts, liens or other legal encumbrances. In addition, the developer shall submit simultaneously to the Utility a certificate of mechanic's lien waiver on all facilities dedicated by the developer to the county. The Utility may require, at developer costs, an appropriate title and certificate of title insurance.
5. Maintenance of facilities. The developer shall be responsible for any maintenance as a result of construction or defects of said facilities for one year from the date of initial operation or acceptance, whichever is later. To ensure compliance with this requirement, the developer shall post with the a certified check, bond, or irrevocable letter of credit in a sum equal to ten percent (10%) of project cost or shall provide an alternative guarantee in a form acceptable to the Public Works Director.
6. Owner responsibility. Building sewer pipes and water distributing pipes shall be installed at the expense of and maintained by the property owner.
7. Utility standards, specifications. The design of and the equipment, materials, workmanship and procedures used in the construction and installation of local and system facilities shall be in accordance with the Standards and Specifications established, approved and adopted by the Utility.
8. Plan review. The Utility shall review and approve, or revise if necessary to conform with the Standards and Specifications prepared plans for all projects for the construction and installation of all local and system facilities prior to any construction of any such project(s).
9. Site inspections. During progress of construction work, the authorized representatives of the Utility and others who are directly concerned with the construction work shall have access to the locations of construction for the purpose of establishing to their satisfaction that the project(s) is being constructed to the requirements of the Utility and in accordance with the approved plans and standards and specifications. The Utility may

conduct, at the cost of the developer, such inspections of construction as deemed necessary

10. As built drawings. As built drawings, in the form prescribed by the Standards and Specifications shall be submitted to the Utility before the final inspection of construction is performed.
11. Final inspection of construction. After completion of the construction and installation of the Utility facilities, and upon written request of the developer or owner responsible for the construction, the Utility shall make a final comprehensive inspection of the completed project(s) and shall be satisfied as to conformance with the plans and standards and specifications before accepting the utility facilities as a part of the utility system.
12. Nontransferable. Credits for construction and installation of system facilities are nontransferable from development to development.

B. Service to Existing Development.

1. Primary and Secondary Growth Areas or Service Areas.

- (a) System facility capacity. Availability of existing system facilities and their capacities to serve existing developments inside service areas shall be determined by the Public Works Director.
- (b) Local Facilities. The property owners of any existing subdivision or any residential, commercial, or industrial site in existence on the date of notice of service availability in an area served by the Utility, or the owners of any combination thereof, may request the Utility to construct and install local facilities. Upon receipt of such request the Utility will determine if the request is in the best interest of the Utility, economically feasible, and system capacity is available. Upon approval of the request and upon completion of an Application for Service and the payment of applicable charges, the Utility shall construct and install such local facilities as herein required to serve each applicant reflected on the petition. The applicants shall remit in advance to the Utility a sum of money equal to:
  - i. the amount which equal to the sum of local facilities fees for each property to be served by the proposed construction of local facilities plus
  - ii. the amount required to pay for the connection of the proposed local facilities to the Utility's existing system facilities.

Funds appropriated by the Utility, grant monies, donations, and County funds contributed in aid of construction, or any combination thereof, shall be deducted from the monies required to be remitted in advance by the applicants.

- (c) Connection fees. Upon completion of the construction and installation of such local facilities, but before physical connection, the applicants shall remit to the Utility, the then prevailing connection fee. These fees may be paid in advance and accompany the Application for Service.
- (d) Refund to non-owners. If the local and/or system facilities fees or construction costs have been advanced to the Utility by a party other than an owner of property to be served by the new facilities, these fees shall be considered a loan to the Utility. Such charges shall be refunded to the non-owners from the local and system facilities fees

that are remitted by the owners of the property, which is serviced by the new facilities, as the Utility receives such remittance. The sum of the monies refunded shall not exceed the sum of the loan; no refund shall be made after a period of ten (10) years from the date of such advance.

2. Outside Primary or Secondary Growth Areas or Service Areas. All terms and conditions of section 19-118(B)(1) apply. The County generally does not support extensions of facilities outside Growth Areas or Service Areas. Such Extensions are generally not consistent with the Comprehensive Plan or the Master Water and Sewer Plan and in most cases will require the approval of the Board of Supervisors. Should the Utility elect to construct and install system facilities to serve an existing development outside the growth areas or service areas which development is independent of the system facilities within the service areas, the property owners shall remit in advance to the Utility a sum of money equal to the total estimated construction and installation costs of such system facilities. Grant funds, donations and County funds contributed in aid of construction shall be deducted from the monies required to be remitted in advance by the applicants. The property owners shall then be exempt from the payment of system facilities fees until such time that the independent system is connected to the system facilities within the service areas. Each property owner will then be liable for the system facilities fee then prevailing.

C. Service initiated by the Utility. The Utility, upon approval of the Board, may construct and install local facilities and system facilities anywhere in a growth area or service area whenever it determines that circumstances warrant utility service, for example, to implement the land use element of the comprehensive plan, to protect the health of its citizens or to promote economic development of the community. The financial performance standards of the Utility shall be observed when such construction work is undertaken.

If such service is initiated by the Utility, the funding procedures contained in sections 19-118 (A) and 19-118(B), which are based on the cost of service philosophy, shall be observed to the maximum extent possible.

The Utility may enter into contracts with any person, firm, or corporation, or municipality, or sanitary district, or other political subdivision or public body for the rendering of any unusual or extraordinary water or wastewater service or both such services; provided, the rates or charges to be paid thereunder shall be an amount which is fair and equitable, taking into account the cost to the Utility of providing such service.

D. Off-site extensions. The County generally does not support extensions to areas outside the service areas. Such extensions are not consistent with the Comprehensive Plan or the Master Water and Sewer Plan and in most cases will require the approval of the Board of Supervisors.

1. Extensions to new developments.

(a) Cost of Extension. The construction and installation of an extension of a water or sewer line from existing local or system facilities to the property boundary of the developer shall be the responsibility of the developer and undertaken at their expense.

If, at the request of the Utility, the developer includes capacity beyond that needed for its development, the Utility shall refund to the developer the construction costs involved in including such extra capacity. The Utility shall make requests for extra capacity in accordance with recommendations for improvements found in the

County's Master Water and Sewer Plans. The terms of the reimbursement shall be determined by the contract between the developer and the Utility.

- (b) Local facilities. The terms and conditions of section 19-118(A)(1)(a) shall be observed.
- (c) System Facilities. The terms and conditions of section 19-118(A)(1)(b) shall be observed.
- (d) General. The terms and conditions of section 19-118(A)(3) through (A)(12) shall be observed.

2. Extensions to existing developments.

- (a) Cost of extension. The construction and installation of an extension of a water or sewer line, from existing local or system facilities to the property boundary of the applicants, shall be the responsibility of the applicant and undertaken at the property owner's expense unless the utility elects to participate in the costs of providing service inside a property boundary.
- (b) Local Facilities. The terms and conditions of Section 19-118(B)(1) shall apply.
- (c) System Facilities. If system facilities to serve an existing development are necessary and are installed at the expense of the property owners, the reimbursement schedule, if applicable, shall be set forth in the contract between the applicants and the Utility.

E. Conditions for Utility participation. The Utility shall participate in the construction and installation costs of local and system facilities and off-site extensions to serve new development when the developer observes all of the terms and conditions set forth below; provided, the Utility reserves the right to decline to participate in a utility project with a developer if the project is either detrimental to the utility system, the project is economically unfeasible, or the project is inconsistent with the policies of the Comprehensive Plan. If the Utility selects to participate, the following conditions shall apply:

1. Pipe size. The size of pipe of water distribution mains and branch and lateral sewers shall be not less than eight inches in diameter; provided in residential districts a six (6) inch water line may be used in blocks six hundred (600) feet or less in length if such water main completes a good gridiron.
2. Developer responsibility. The developer accepts in writing sole responsibility for all matters relating to the construction and installation of all facilities required in the project, including the acquisition of all necessary permits from regulatory agencies. The developer shall acquire at his expense all easements required to install utility service to his development.
3. Prior approvals required. All required federal, state and local government approvals of both the developer's building project and utility project shall be obtained by the developer and delivered in writing to the Utility before the Utility agrees to participate in the utility project.
4. Bidding required. The intent of the provisions of the County Purchasing Manual shall be observed by the developer in the award of a contract for the construction and installation of a utility project. The project shall be awarded by the developer to the lowest

responsible bidder. Utility approval of the lowest responsible bidder shall be required prior to the award of the contract.

5. Performance guarantee. Prior to the award of the contract, the developer shall furnish to the Utility either a certified check or a letter of credit in the amount of the contract award.
6. Payments to contractor; change orders. During progress of the construction work, the utility shall approve: (1) all project partial payments prior to payment to the contract; and (2) all change orders.
7. Eligible costs. In calculating the costs of facilities which are considered developer loans to the Utility, only labor and materials costs incurred by the developer in the construction of the project are considered eligible for refund. Costs of administration, engineering and legal representation are not eligible.
8. Developer option to bid. The developer may elect not to publicly bid the utility project in which case the Utility shall not participate with the developer in the cost of the project as provided for in sections 19-118(A) and 19-118(D).
9. Payments to developer; applicants. Payments on loans shall be remitted directly to the developer, his assignee or successor, or to the party or parties representing the applicants in the manner stipulated in the contract. Payments shall be made annually on the anniversary date stipulated in section 19-118(E)(10) out of revenues collected from remittances made by applicants for service for connections made directly to the facilities and by affected nonusers. No more than ten (10) such annual payments may be made. Such remittances shall be deposited in an interest-bearing escrow account and investment earnings shall be distributed to the developer.

No payments shall be made to the developer or to the applicant by the Utility until the facilities constructed and installed are formally approved by the Board of Supervisors and accepted into the utility system.

10. Interest on loans. The unpaid balance of developer and applicant loans shall bear interest at a rate to be determined at the time of request, compounded on the anniversary dates as follows:

(a) Developer loans: date of acceptance of the facilities by the Utility.

(b) Applicant loans: date facilities are placed in operation by the Utility.

This interest will be paid on the anniversary date and will reduce the balance owed to the developer and/or applicant.

11. Acceptance of new facilities.

(a) Conditions of acceptance. The Public Works Director shall accept newly constructed and installed water and wastewater facilities described in sections 19-118(A) and 19-118(D) when satisfied that the following conditions have been observed:

(1) Full compliance with all provisions of the contract between the developer or owner and the Utility.

(2) Full compliance with all requirements of the Standards and Specifications.

- (3) Payment by the developer or owner of all applicable fees and charges prescribed in section 19-94.
  - (4) The developer or owner understands fully that he shall be responsible for and obligated to correct all deficiencies in construction and installation of the project for a period of one year from the date of acceptance of the facilities by the Utility. This condition shall be secured as defined in section 19-118(A)(5).
- (b) Acceptance in writing. Acceptance of the newly constructed and installed facilities, when approved by the Utility, shall be made in writing to the developer or owner responsible for the construction by the Director of the project.
  - (c) Agreement irrevocable. The issuance of the written form of acceptance of all such facilities shall constitute an irrevocable agreement between the developer or owner responsible for construction and the Utility; and the officers, agents, servants and employees of the Utility shall be saved harmless by the developer or owner from liability and responsibility of any nature and kind for costs of, or payments on, labor, equipment, or material used in construction of the accepted facilities or on account of any patented or unpatented inventions, process, article or appliance manufactured for or used in construction of, or for the intended operation of, the accepted facilities.
12. Written contract. All the provisions of this Section, and all other pertinent provisions considered peculiar to the project but not inconsistent with these provisions, shall be incorporated into a contract and executed by the developer and the authorized representative(s) of the Utility prior to advertisement for bid.
  13. Use of dedicated facilities unfettered. The Utility shall have the right at any and all times to make, connect or permit new connections, extensions, or improvements or to otherwise use the dedicated public utilities in the best interests of the Utility.
  14. Economic feasibility. The Director shall determine the economic feasibility of a proposed extension or expansion. In making such a decision, the following factors shall be considered:
    - (a) Sufficient revenues to amortize all project costs on the accrual basis.
    - (b) Sufficient revenues to pay all operation, maintenance and administration costs.
    - (c) The time frame for the recovery of all expenses on the accrual basis shall not exceed twenty (20) years.
    - (d) The availability of funds in the form of contributions in aid of construction, facilities charges, donations or grants.
- F. Acquisition of privately owned systems. The Utility shall consider the acquisition of privately owned water or wastewater systems when any or all of the following questions are answered in the affirmative:
1. Is the privately owned system within the Service Area?
  2. Will a negotiated sales price (excluding non-utility funds) provide economic value to the Utility in terms of physical property and other rights or in an evaluation of the projected revenue stream?

3. Does the Utility have capacity to serve the customers of the private system?
4. Will the acquisition improve the customer's public health, public safety, quality or quantity of service, or the reliability of service?
5. Does the Utility have the ability to finance the acquisition through either internally generated funds or debt?

The utility may consider other questions, issues or information in making a determination in the possible acquisition of a privately owned water or wastewater system. If the answer to any of the questions above is negative, then the Utility may either seek to define mitigating factors or may choose not to acquire the system.

- G. The Utility may, at its option, permit the direct connection of any new development to facilities owned by an alternative publicly owned water system or sewage treatment works.
- H. Nothing herein shall restrict the Utility from entering into agreements and/or contracts with other authorities, political subdivisions and/or private developers and to participate in the costs thereof for the purpose of providing water or sewer facilities.

**Sections 19-119 - 19-139    Reserved**

## Article VI. Building Water, Sewer and Connections

### Section 19-140 Service Connections

Upon approval of the application for service and payment in full of all applicable charges and fees, the service connection shall be made by either the Utility or the owner in accordance with following procedures:

- A. Separate service connection. A separate service connection shall be required for each premise unless otherwise determined by the Utility in accordance with section 19-142.

The required permits shall be obtained from the Utility and the County Building Inspections Division before construction, alteration or repair is commenced on a building sewer or water service pipe or connection thereof is made to a service connection. All excavations shall be as approved by the Director and applicable local, state and federal agencies. No backfill shall be placed until work has been inspected as required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public water or sewer line of the Utility or appurtenance thereof without first obtaining a written permit from the Utility.

All costs and expenses incident to the installation and connection of the building sewer or water shall be borne by the owner. The owner shall indemnify the Utility from any loss or damage that may be occasioned by the installation of the building water or sewer.

- B. Notice required. The applicant shall give to the Utility a notice of one workday for performing the required inspections or fifteen (15) workdays for making a service connection.
- C. Utility responsibility. The Utility shall make all service connections to public water mains and public sewer, except as provided in section 19-140(D). All water service connections to public water mains shall be made with either a corporation stop or water tapping sleeve and valve, as required; the Utility shall extend the water service line from the public water main to the water service connection, and shall install the meter; and, if the meter is located at or near the property line, it shall install the meter box with cover.
- D. Service line; service connection by developer, owner. The Utility, at its option, may authorize a developer or owner to make a service connection or to install the service line in conjunction therewith, which authorization shall be in writing and signed by the Director. In such event the developer or owner shall use only materials and equipment in accordance with the Standards and Specifications. No excavation shall be backfilled until the service line and connection have been inspected and approved by the Utility. Maintenance and repair work necessitated by faulty materials or poor workmanship on a service line or connection shall be billed at cost to and paid by the customer.
- E. Utility approval of materials, equipment. The Utility shall approve the location, size, kind and quality of all materials, equipment and appliances used in service lines and connections. Old building water or sewer lines may be used in connection with new buildings only when they are found, on examination and test by Utility, to meet all requirements of the Utility Standards and Specifications
- F. Lines connection property of Utility. All service lines and connections shall remain the property of the Utility, shall be under its sole control and jurisdiction, and shall be maintained by and at the expense of the Utility, except as provided in section 19-140(D).

G. Change in location. The Utility shall change the location of an existing service connection when the conditions described below are observed by the applicant.

1. Completion of an application for service.
2. Advance with the application for service a sum of money equal to the estimated cost to the Utility of its participation in the relocation of the service connection, including cost of inspection and reconnection.
3. Observe all provisions of sections 19-140(A) and 19-140(B).
4. Upon completion of the work, the Utility shall refund to the applicant monies in excess of its costs; should the monies advanced by the applicant be insufficient, the Utility shall bill and the applicant shall pay the difference between monies advanced and actual costs; the difference, if any, shall be added to the next bill.

**Section 19-141      Other Wastewater Lines and Flows**

No person shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

**Section 19-142      Separate Service Connection; Multiple Units**

Each dwelling unit and each unit in a nonresidential structure shall be served by a separate service connection and a separate meter; provided, however, the premises identified below shall be considered one premises and shall be served by one service connection and one meter unless otherwise approved by the Board of Supervisors:

- A. Residence used as a rooming house;
- B. Dwelling or building for transients;
- C. Dwelling with accessory apartment;
- D. Two-family and multifamily structure, including apartment building and townhouse, where the utility service is included in the rent;
- E. Manufactured Home Park where the utility service to each manufactured home lot is included in the rent;
- F. Nonresidential structure which contains two or more contiguous units occupied by a tenant or lessee where the utility service is included in the rent;
- G. Separate houses, buildings, or manufactured homes located on the same premises and under single ownership or management.

## Section 19-143      Meters and Meter Installation

All consumption of water provided by the Utility, except fire protection and authorized use of fire hydrants, shall be metered. Meters shall be read to coincide with the mailing of utility bills as specified in section 19-101; provided, fire service detector check value meters shall be read annually or on a more frequent basis as determined by the Utility.

- A. Size, location, type of meter. The Utility shall approve the size, location and type of the water meter to be installed for all premises based on occupancy and flow data furnished by the applicant. The normal size for a single-family dwelling shall be five-eighths inches by three-fourths inches.
- B. Installation. Meters shall be approved, installed, maintained and removed by the Utility. The Utility, at its option, may authorize a developer to furnish and install a meter, which authorization shall be in writing and signed by the Director. In such event the developer shall furnish, at their expense, one of the approved makes and models specified by the Utility. All meter installations shall conform to the applicable provisions of the Standards and Specifications. Installed meters remain the property of the Utility.
- C. Meter installed in building. If a meter is installed within a building, the customer shall provide at their expense a readily accessible and protected location for the installation of the meter at a point, which controls the entire supply to the premises, which location shall be approved by the Utility.
- D. Separate meters. Unless otherwise determined by the Utility, each premise shall be supplied through a separate meter or, if necessary and at the option of the Utility, through a separate battery of meters. If a battery of meters is installed, the registrations of such meters shall be combined for billing purposes and shall be subject to a minimum charge equal to the sum of the minimum charges for the meters comprising the battery setting. If, however, a premises is supplied through more than one service connection, unless otherwise provided, the registration of the meter installed on each such service shall be billed separately.
- E. Meter maintenance. Meters shall be maintained by the Utility at its expense; provided, damage to any meter due to hot water, freezing, or other external causes arising out of, or caused by the customer's facilities, operations, negligence or carelessness shall be paid for by the customer. The Utility, however, shall be responsible for damage to meters due to freezing in outside vaults and for ordinary wear.

All meters shall be tested for accuracy before installation. In addition, all meters shall be tested periodically in accordance with AWWA accepted practice. The Utility may, at any time, remove any meter for routine tests, repairs or replacement. When warranted, the provisions of section 19-100(C) may be invoked by the Utility.

- F. Notice of defects. The customer shall promptly notify the Utility of any known defects in or damage to the meter or its connection.
- G. Access to meters required. The Utility requires unobstructed access to its meters at all reasonable times. The Utility will inform the customer that unobstructed meter access is required. If access to the meter is regularly blocked by bushes or foliage, the meter reader may trim or remove the obstruction, as much as necessary to properly inspect the meter. When such access is regularly unavailable, the Utility may, after written notification, terminate service until the access problem is resolved to the satisfaction of the Utility.

- H. Change in location, size. Upon request of the applicant the Utility shall change either the location or size or both of a meter when the applicant observes the following conditions:
1. Observance of applicable provisions of section 19-143(G).
  2. For the installation of a larger meter, remittance of the difference between the meter sizes shall be based upon current system facility charges as prescribed in section 19-94. A refund may be made for a reduction in meter size.
  3. If the applicant requests the Utility to relocate or replace the meter, then the applicant shall pay the cost of the upgrade in addition to the system facility charge.
- I. Meter for private water survey. Upon written application to the Utility on a form furnished by the Utility, the Utility may furnish, install and maintain at the applicant's expense, a water meter and required appurtenances on the private water supply which discharges into a public sewer. The meter shall be readily accessible to the Utility at reasonable times for periodic reading, inspection and maintenance. The Utility may authorize the applicant in writing to furnish and install the meter, subject to the approval of and inspection by the Utility. Such meter and appurtenances shall remain the property of the Utility. The Utility reserves the right to meter the private water supply of a single service wastewater customer.
- J. Unauthorized Meter Removal. Upon installation, only Utility employees or designated representatives shall turn on, turn off, move, remove or replace a meter or any connections to it. Should the Utility determine that a customer has tampered with the meter or its connections, then the customer shall be subject to a \$500 penalty. Each day such violation is committed or permitted to continue, shall constitute a separate offense and therefore shall be punishable with a \$500 penalty. Payment will be made immediately and prior to reinstatement of service. Failure to pay the penalty promptly may result in the suspension of service to all other accounts in the customer's name. Payment of the penalty does not preclude the Utility from seeking additional legal remedies when deemed necessary.

#### **Section 19-144      Indirect Sewer Use Metering**

Where metered water service and sewer services are supplied to the customer by the utility, the water meter readings may be the basis of determining wastewater flows. Where non-utility providers supply water to a customer, the Utility, at its option, may use water meter readings as the basis of determining wastewater flows or utilize a flat rate.

Where sewer service only is supplied to the customer, the Utility may require the installation of a meter setting on a customer's water service line. The meter and appurtenances will be furnished, installed and owned by the Utility. The cost of the water meter installation will be over and above the connection fee for the sewer service.

In either case, the water meter readings will be the basis of determining wastewater flows unless it can be adequately demonstrated that other measures may be employed to more adequately determine the actual amount of water use that will be discharged into the Utility's system or the Utility has elected to use Equivalent Residential Connections or other formal estimation model for determining wastewater flows.

**Section 19-145      Swimming Pools**

- A. Unmetered water. Upon written application, which shall be filed annually, the Utility shall credit the sewer account of a customer with a private swimming pool where the water in filling the empty pool is not metered and not discharged into the public sewer and where the Utility does not use an ERC or other similar model for estimating wastewater flows when the following conditions are observed:
1. The swimming pool contains 5,000 gallons of water or more;
  2. A certificate, provided by the Utility, is presented by the pool contractor or pool maintenance firm which certifies the gallons of water used in filling the pool.
  3. Where the customer constructs his own swimming pool or performs maintenance which requires filling or refilling, the customer presents to the Utility documentation (plans, drawings) that substantiates the water capacity of the pool and certifies the same as in (2) above.
- B. Metered water. Upon written application and approval of the Utility, the applicant may install a separate water meter at applicant's expense to supply a private swimming pool. Water supplied to a swimming pool through such separate meter, which is not discharged into the public sewer, shall be annually read and credited to the sewer account of the customer.

**Sections 19-146 - 19-150 Reserved**

## ARTICLE VII. Fire Protection Systems

### Section 19-151 Private Fire Protection Systems; Public Fire Hydrants

#### A. Private Fire Protection Systems

1. Application. Upon written application to the Utility, and upon payment of all applicable charges required by section 19-94, the Utility or the applicant, at the option of the Utility, shall at the expense of the applicant construct and install a fire service connection to supply a fire protection system. Such construction shall conform to the Standards and Specifications. When constructed and installed by the applicant, subject to inspection by the Utility, such construction shall not commence until the applicant furnishes to the Utility and the Utility approves in writing the plans for such construction and installation.
2. Fire service detector check meter. A fire service detector check meter shall be installed in a bypass to monitor small flows in the fire service connection. The Utility shall read each detector check meter at least annually. The Utility reserves the right to require an existing fire service connection customer to install at his expense a detector check meter with a bypass pipe.
3. Charge . There shall be no charge for water supplied through a private fire protection system which is used to extinguish fires.
4. Additions. No addition of any hydrant, standpipe, sprinkler head or other outlet shall be made to a fire protection system until plans for such addition have been submitted to and approved in writing by the Utility and the County Building Official.
5. Pressure supply. The provisions of section 19-66, which govern the interruption of water supply, apply to fire service connections. The Utility shall not be liable for loss or damage because of inadequate quantity or pressure.
6. Violation. Water supplied through a private fire service connection shall be used solely for the extinguishment of fires and, upon approval by the Utility, for fire drill testing of the fire protection system. If a customer makes unauthorized or unapproved uses of the fire protection system, for any reason other than fire suppression, a \$500.00 penalty shall be imposed upon the customer. The penalty will increase by \$500.00 for each additional occurrence. If the penalty is not paid immediately to the Utility upon discovery of the violation, all Utility service to the customer shall be terminated until such time that the penalty has been paid.

Furthermore, if it is discovered that the fire protection system has in any way been intentionally adjusted or tampered with or if any unapproved connection has been made to the system that provides the customer with an unauthorized supply of water, then a \$500.00 penalty shall be imposed. The penalty will increase by \$500.00 for each additional occurrence. In addition, the customer shall also remit to the Utility the amount of the retail water charges for the estimated unauthorized water usage. If the penalty and charges are not paid immediately to the Utility upon discovery of the violation, all Utility service to the customer shall be terminated until such time that the amount due has been paid.

B. Public Fire Hydrants.

1. General. To the extent that funds are available, the Utility shall install, at its expense, public fire hydrants on public property whenever and wherever, in its sole opinion, such hydrants may be required to provide adequate fire protection service.
2. Application for hydrant. Upon written application by any commercial, industrial, governmental entity or other interested party, and upon payment of all applicable charges required by section 19-94, the Utility may construct and install additional public fire hydrants on public property. After installation of each hydrant, the Utility shall assume ownership, maintenance and operation thereof and shall pay for any replacement or relocation which may become necessary.
3. Restrictions on use. The use of public fire hydrants shall be restricted to the taking of water for the extinguishment of fires; water shall not be taken from any public fire hydrant for any other use, including construction, street sprinkling, or flushing storm sewers or gutters, unless specifically permitted in writing by the Utility for the particular time and occasion and upon payment of all applicable charges required by section 19-94. All such uses shall be metered and the Utility retail water rates shall apply. A fire hydrant meter may be furnished by the user or provided by the Utility in accordance with the following procedures:
  - a. User furnished hydrant meters.
    - (i) The meter shall be registered with the Utility and receive a written water user permit issued from the Utility. Prior to each use, the user shall apply to the Utility in person. The meter shall be inspected by the Utility prior to issuance of permit.
    - (ii) Permit shall be good for one year from the date of issuance. Meters shall be reregistered every twelve (12) months in accordance with the guidelines in the previous paragraph,
    - (iii) User furnished meter assembly shall include a double gate/double check backflow preventer.
    - (iv) User shall be responsible for calling in meter readings by the first day of each month prior to the billing cycle deadline.
    - (v) User shall notify the Utility Customer Services Office when meter is no longer in use in the Utility water system. Failure to provide notification may preclude future permit approvals.
  - b. Utility furnished hydrant meters.
    - (i) User shall pay a deposit and receive written permit issued from the Utility prior to use of a Utility meter. Meters provided by the Utility will be issued on a first come, first serve basis. Deposit fees are based on the fee schedule adopted by the Board of Supervisors.
    - (ii) Permit shall be good for thirty (30) days.
    - (iii) If user needs the meter more than thirty (30) days, user shall have the permit renewed for an additional thirty (30) days. Permits will not be renewed beyond ninety (90) days of the original permit date.

- (iv) User shall be responsible for calling in meter readings on the first of each month prior to the billing cycle deadline.
  - (v) Utility furnished meters will only be used at the specific work site identified in the permit. User will not use meter at other work sites unless approved by the Utility Customer Services Office. Under no circumstances will the meter be used outside Utility service areas.
4. No liability. The Utility shall not be considered an insurer of persons or property, or to have undertaken to extinguish fires, or to protect any person or property against loss or damage by fire or otherwise, and it shall not be responsible to any person for any loss, or damage, or injury by reason of fire, or failure to supply water or pressure, or for any other cause whatsoever.
  5. Extension of main. The Utility shall not be required to extend its water mains for the purpose of installing public fire hydrants which may be desired except under mutually acceptable terms to defray the construction cost of such extensions.
  6. Unauthorized use. If a public fire hydrant is discovered to have been used for any purpose other than fire suppression without prior approval by the Utility, legal action may be sought against such unauthorized user in accordance with these regulations. In addition, a \$500.00 penalty shall be assessed against the violator. The penalty will increase by \$500.00 for each additional occurrence. The penalty shall be paid immediately or all Utility service received by the violator or the employer that they represent shall be terminated until such time as the penalty is paid.

**Section 19-152      Fire Hydrant Obstruction**

No vehicles, structures, bushes, shrubbery, fences or other objects obstructing free access to a fire hydrant shall be permitted within ten (10) feet of fire hydrant.

**Sections 19-153 - 19-159      Reserved**

## **Article VIII. Sewers**

### **Section 19-160 Use of Sewers**

Only sanitary sewage shall be introduced into any sanitary sewer line or system constructed within the area of jurisdiction of the Utility in accordance with the provisions of these regulations.

### **Section 19-161 Strong Waste**

Strong wastes as defined in section 19-79 shall be the subject of a special study and contract by and with the Utility. The Utility shall impose such a combination of controls and pre-treatment as may be necessary to protect the wastewater facilities. Such additional costs may include proportionate costs of building or rebuilding sewer lines, additional wastewater treatment works and increased administrative, operating and maintenance expenses.

### **Section 19-162 Discharge of Storm Water or Surface Water**

No person shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer.

### **Section 19-163 Discharges into Storm Sewers or Natural Outlet**

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by regulatory agencies.

### **Section 19-164 Prohibited Discharges into Public Sewers**

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, or gas.

Any waters 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 waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structure, equipment, and personnel of the wastewater works.

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 wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, either whole or ground by garbage grinders.

Any industrial wastes containing floatable fats, wax, grease or oils; or any industrial wastes containing more than 100 mg/l of petroleum based oil or grease.

Radioactive wastes or isotopes, as determined by the Nuclear Regulatory Commission, Virginia Department of Health and other agencies with regulatory authority, which will, or may, cause damage or hazards to the POTW or personnel operating the system.

Any waste, including oxygen demanding wastes (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration that will interfere with the POTW.

Industrial wastes discharged in a slug or such volume or strength so as to cause a treatment process upset and subsequent loss of treatment efficiency.

Any discharge in excess of 150° F (65° C); or heat in amounts which would inhibit biological activity in the POTW resulting in a treatment process upset and subsequent loss of treatment efficiency.

Any unpolluted water including, but not limited to, cooling water and uncontaminated storm water, which will increase the hydraulic load on the Utility's system.

Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limits.

Wastes which cause the Utility's treatment plant to violate its NPDES Permit, applicable receiving water standards, permit regulating sludge which is produced during treatment or any other permit issued to the Utility.

Those wastes designated by EPA as sufficiently toxic that they shall not be discharged to the sanitary sewer in any concentrations.

### **Section 19-165 Strong Wastes - Limitation on Discharges**

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 9.4, and which in the judgment of the Utility may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Utility may:

Reject the wastes;

Require pretreatment to an acceptable condition for discharge to the public sewers;

Require control over the quantities and rates of discharge; and/or

Require payment to cover added cost of handling and treating the wastes not covered by existing charges as set forth herein.

When considering the above alternatives, the Utility shall give considerations to the economic impact of each alternative on the discharge. If the Utility permits the 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 Utility.

### **Section 19-166 Grease, Oil and Sand Interceptors**

Grease, oil and sand interceptors shall be provided by the customer when, in the opinion of the Utility, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and 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 Utility, and shall be so located as to be readily and easily accessible for cleaning and inspection.

In the maintaining of these interceptors the customer shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Utility. Any removal and hauling of the collected materials not performed by customer's personnel must be performed by currently licensed waste disposal firms.

### **Section 19-167 Preliminary Treatment Facilities**

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

### **Section 19-168 Inspection and Sampling**

The Utility shall be allowed to inspect the facilities of any discharger to determine compliance with this Article. Persons or occupants of premises where wastewater is created or discharged or monitored shall allow the Utility ready access at all reasonable times and at all parts of the premises for the purpose of inspection, sampling and records examination or other performance of their duties.

### **Section 19-169 Monitoring Facilities**

A monitoring manhole shall be required on all new construction or renovations or modifications to existing facilities, where the discharge originating in the new, renovated, or modified facility is, or will have the potential to be, non-domestic in nature.

The Director shall have the Utility to require installation of a monitoring manhole in instances where the Director determines that a manhole is required. The monitoring manhole shall be approved by the Director and shall be installed at the expense of the discharger.

The discharger shall provide a monitoring manhole with a twenty-four inch opening to allow inspection, sampling and flow measurement of the building and/or internal drainage systems. The monitoring manhole shall be located upon the premises, except in those instances when the Director determines that such a location would be impractical or cause undue hardship on the discharger, in which case the Director may allow the manhole to be constructed upon Utility property or easements.

There shall be ample room in or near such monitoring manhole to allow accurate sampling and preparation of samples for analysis. The monitoring manhole shall be maintained at all times in a safe, accessible and proper operating condition at the expense of the discharger.

## **Section 19-170 Information Needed to Determine Compliance**

The Utility may require a user of sewer services to provide information needed to determine compliance with these regulations. These requirements may include:

Wastewater discharge peak rate and volume over a specified time period.

Chemical analyses of wastewater.

Information on raw materials, processes, and products affecting wastewater volume and quality.

Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.

A plot plan of sewers of the user's property showing sewer and pretreatment facility location sealed by a professional engineer licensed in the State of Virginia.

Details of wastewater pretreatment facilities.

Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

## **Section 19-171 Standards for Measurements, Tests and Analyses**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made herein shall be determined in accordance with 40 C.F.R. Part 136. Where an approved test procedure is not available in 40 C.F.R. Part 136, the discharger shall use a procedure only after review and approval by the Utility. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Utility.

## **Section 19-172 Special Agreements with Utility**

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Utility and any customer of the Utility whereby discharging waste of unusual strength or character may be accepted by the Utility for treatment.

## **Section 19-173 Permit Required, Existing and New Users**

A wastewater discharge permit shall be required to discharge, cause to be discharged or permit to be discharged into the public sewage system any substance that requires control or treatment by the discharger in order to either:

Make or render the substance susceptible to treatment by the wastewater treatment plant providing treatment;

Prevent the pass-through of such substance through the public sewerage system or wastewater treatment plant providing treatment;

Prevent interference by such substance with the normal operation of the public sewerage system of the wastewater treatment plant providing treatment; or

Continue the lawful operation of such sewerage system or wastewater treatment plant providing treatment.

A permit shall be required of each industrial and commercial establishment listed in the Act or to which the Act may subsequently apply, including each person who discharges a substance requiring, in the judgment of the Utility, control due to a wastewater constituent, character, volume or strength of such substance.

Each permit shall:

Require discharge standards that meet the requirements established by the state and federal governments pursuant to the Act and the requirements of this Article;

Require the discharger to meet the reporting requirements by the state and federal governments pursuant to the Act and the requirements of this Article, including self-monitoring report requirements;

Require all pretreatment to comply with the requirements established by the state and federal governments pursuant to the Act and the requirements of this Article; and

Specify that violations of permit conditions, including those for reporting, constitute a violation of these regulations, punishable pursuant to allowable Federal and State Statutes.

#### **Section 19-174 Permit Conditions**

All persons subject to categorical standards who discharge to the Utility's wastewater system shall comply with the requirements of any applicable federal categorical standard, including all reporting requirements of the general pretreatment regulations set forth at 40 C.F.R. Section 403.12 along with any applicable, stricter local limits. More stringent limitations shall be imposed by the Utility in those cases where the Utility deems it appropriate to do so. In the case of conflict, the more stringent of the limitations shall apply.

Each permit shall contain specific limits imposed on the discharge for which the permit is being used.

A schedule for self-monitoring, to include frequency, required analyses and specific conditions required for the discharge, are to be included in each permit.

Each permit shall contain a compliance schedule for those dischargers that cannot meet permit limits when issued but who can be expected, by installation of additional equipment, change in operation or other factors, to comply within a reasonable amount of time. This provision, however, does not create an obligation by the Utility to issue a permit or amend a permit, as appropriate. Rather, compliance schedules, as opposed to other remedies, are at the Utility's discretion.

Each authorized representative of the permit holder shall take instruction yearly from the Virginia Department of Waste Management on waste minimization.

Each permit shall contain any additional conditions as determined appropriate by the Utility.

## **Section 19-175 Permit Amendments**

Permits may be amended by the Utility:

For the purpose of incorporating changes in federal, state and local law or requirements;

When existing permit conditions are determined by the Utility to be inadequate to ensure compliance with the requirements of the Act, the requirements of VR 680\_14\_01, or the requirements of this Article; or

To impose the terms of a compliance schedule.

Permits shall continue in effect for a term specified therein, which, in no event shall be longer than five (5) years. Applicants desiring to continue to discharge substances after the expiration of the permit shall submit to the Utility a reapplication not less than ninety (90) days prior to the permit expiration date. Reapplication shall be processed in accordance with the initial application procedure.

The permit holder shall notify the Utility of any changes to its operation that may impact the regulated substances, the permit or the wastewater discharged.

## **Section 19-176 Revocation or Suspension**

The Utility is authorized and empowered to suspend or revoke a permit when:

The permit holder is no longer in compliance with either the applicable effluent standards or the permit requirements;

The substance discharged by the permit holder reasonably threatens the health, safety or welfare of the public;

The substance discharged by the permit holder presents a danger to the environment; or

The substance discharged by the permit holder interferes with or threatens the lawful operation, or either the county sewerage system or the wastewater treatment plant providing treatment.

No revocation shall be ordered until a hearing has been held by the Board of Supervisors, where the user shall have the right to be represented by counsel, cross-examine witnesses and present evidence in his own behalf. Notice of the hearing shall be given to the user and to the County Administrator in accordance with section 19-98, at least fifteen (15) days prior to the date of the hearing.

Any user whose permit has been revoked shall immediately cease and desist all discharge of wastes regulated by that permit. The Public Works Director may disconnect or permanently block from the public sewer, the connection of any user whose permit has been revoked if such action is necessary to insure compliance with the order of revocation.

Before the discharge of wastes may be commenced by the user, the user must apply for and receive a new permit, pay all charges, penalties and such other sums as may be owed. Costs

incurred by the Utility in revoking the permit and disconnecting the connection shall be paid by the user before a new permit is issued.

The Public Works Director may, after serving notice on the permittee in accordance with section 19-98, including the opportunity to respond, suspend a permit for a period not to exceed forty-five (45) days when such a suspension is necessary in order to stop a discharge which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the Utility's facilities.

Any user whose permit has been suspended shall immediately cease and desist all discharge of wastes regulated by that permit. In the event of a failure of the user to comply voluntarily with the suspension order, the Public Works Director shall take such steps as are reasonably necessary to insure compliance.

Any suspended user may file with the Public Works Director, a request for hearing with the Utility. Such a request shall not stay the suspension. In the event of such request, the Utility shall within fifteen (15) days of the receipt by the Public Works Director of such request, hold a hearing on the suspension and shall either confirm or revoke the action of the Director. Reasonable notice of hearing shall be given to the suspended user as provided in section 19-48. At this hearing, the suspended user may appear personally or through counsel, cross-examine witnesses and present evidence in their own behalf.

In the event the Utility fails to meet within the time set forth above or fail to make a determination within seventy-two (72) hours after the close of the hearing, the order of suspension shall be stayed until a determination is made either confirming or revoking the action of the Director.

The Director shall reinstate the permit upon proof of satisfactory compliance with all discharge requirements. The Utility counsel may, upon recommendation of the Director, commence and prosecute such legal actions as may be appropriate to enforce the provisions of this Section.

### **Section 19-177 Correction of Violations**

Each permit holder shall, at all times, observe the permit requirements. If the Director reasonably believes that the permit requirements are being or have been violated, the Director will notify the permit holder in writing of each such violation. Within seven (7) days after receipt of such notification, the permit holder shall deliver to the Director a written report including a description of the action being taken to correct the violation, a statement of the date by which such violation will be corrected, and any other information required by the Director. Notwithstanding this requirement to give notice, nothing in this section shall prevent the Director from immediately suspending or revoking a permit as provided for in the preceding section.

Each permit holder 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 permit holder's own expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director with the permit application for review and shall be approved by the Director before a permit is issued. In the case of an accidental discharge, it is the responsibility of the permit holder to immediately telephone and notify the Utility of the incident. The notification shall include a description of the discharge, type of waste, concentration and volume, and proposed corrective actions. Telephone notice shall be followed within five (5)

days by written notice to the same effect. In addition, the written notice shall contain a description of measures taken by the user to prevent similar future occurrences.

### **Section 19-178 Notice to Employees**

A notice shall be permanently posted on the permit holder's bulletin board and near each location where wastes may be discharged into the Utility sewerage system, advising employees who to call in the event of an accidental or unlawful discharge.

Each permit holder shall have an employee education program whereby the employees involved in waste management are instructed as to the requirements of the permit holder's permit. A copy of the program shall be submitted with each permit application.

### **Section 19-179 Permit Not Transferable**

The discharge permit is not transferable and is issued for a specific operation, based upon information submitted. A permit shall not be reassigned or transferred or sold to a new owner, new user, or a new or changed operation. The permittee shall notify the Director within fifteen (15) days of any change in ownership or corporate structure, where such change affects responsibility for compliance with these regulations. Any new dischargers shall apply for a new permit.

### **Section 19-180 Violations, Penalties and Notice**

Any person who violates either any provision of this Article, any permit requirements, or the terms or any compliance schedule entered into with the Director, shall be prosecuted in accordance with the County Code and/or Town Code as appropriate. Each violation shall constitute a separate offense. Violation of weekly permit limits shall constitute seven (7) separate offenses, and violation of monthly limits shall constitute a number of offenses equivalent to the number of days in the recording month.

At least seven (7) days before commencing legal action, the Director shall give written notice to the offending person or discharger of any violations of either this Article or the permit requirements. However, this Section shall not be construed and is not intended to limit in any way the Director's or his agent's Utility to obtain, without notice, a search warrant in order to secure information necessary for prosecution of known or suspected violations. Furthermore, if the Director determines that the violations pose an immediate threat to the health, safety or welfare of the public, or the environment, or the Utility sewerage system, or the wastewater treatment plant providing treatment, no notice shall be required and the Director may immediately initiate corrective enforcement action.

In order to remedy a violation of either this Section or the permit requirements, the Director may, in addition to other remedies available, do any or all of the following:

Seek equitable relief in a court of law;

Disconnect all sewer connections of the discharger and plug the sewer line used by such discharger; and

Discontinue Utility water service to the discharger.

Yearly, in a local paper of general circulation in the County, the Director shall publish a list of significant violators of pretreatment standards.

### **Section 19-181    Damage to Utility Systems**

If any substance discharged by any person results in damage to the Utility sewerage system, the wastewater treatment plant providing treatment, or other real or personal property, or alters the nature or quality of the sludge generated by such wastewater treatment plant so as to increase the cost of either safe sludge removal or sludge disposal, then that person shall be liable to the Utility for the cost of all such damage.

### **Section 19-182    Hauled Waste - General**

The Utility may accept hauled wastes from domestic licensed waste generators situated within the County of Westmoreland. The Utility will not accept hauled wastes generated outside the County of Westmoreland without specific approval by the Board of Supervisors.

The Utility will be bound by the Virginia Department of Health (VDH) Sewerage Handling & Disposal Regulations unless these regulations are more stringent, in which case, the more restrictive regulations will apply.

### **Section 19-183    Types of Wastes Accepted**

In general, any liquid waste that is: (1) nontoxic to the biological process and has no adverse impact on any physical/chemical treatment process at the receiving wastewater treatment plant (WWTP) and (2) is biodegradable and is determined to have no adverse impact on the WWTP operation and plant effluent will be considered acceptable. The ability to accept hauled waste is at the discretion of the utility and is dependent on the type of treatment plant and ability of that plant to treat the proposed waste type and volume. Hauled wastes can be characterized into three categories:

Normally Acceptable Waste shall include domestic septic/holding tank wastes from residential generators and non-process wastewater from commercial/industrial generators.

Conditional Acceptable Wastes shall include commercial/industrial process wastewater and special wastes such as leachates, condensates, washwater and others. Conditionally acceptable wastes require prior approval by the Utility and are subject to a case by case review by the Utility.

Prohibited Wastes shall include storm/surface waters, prohibited wastes and strong wastes as defined in Section 19-79.

In all cases the Utility reserves the unconditional right to accept or reject any hauled wastes as it deems necessary to protect its employees, facilities or treatment processes. Any Utility employee may unconditionally refuse to accept a load or stop any unloading in progress.

## **Section 19-184 Administrative Procedures**

All haulers will be required to have a valid Sewage Hauling Permit from VDH and additionally may mandate additional requirements as the Utility may deem necessary to protect their personnel, facilities or treatment processes. The following administrative procedures will be followed:

A VDH Sewage Handling Permit Application will be prepared by the hauler and forwarded to the Utility with proof of vehicle insurance and the correct Utility Application Fee. For Permit renewals, the haulers must have a record of satisfactory compliance with all conditions and requirements of the Utility.

After review and favorable action by the Utility, the Utility will issue a Certificate of Concurrence for the discharge of waste to the Utility's facilities and forward both the Application and Certificate to the appropriate VDH office for approval.

The Utility's representative will attend all inspections and conferences conducted as a part of the VDH approval procedures.

For Permit renewals, the same requirements and procedures will be required as for the original Permit requirements.

## **Section 19-185 Manifests**

Haulers must complete and deliver to the Utility a Hauled Waste Discharge Manifest (HWDM) for each source of waste on a truck load. All pump outs require a completed HWDM including the following:

Section 1: Waste stream identification - Indicating volume (in gallons), type and source of hauled waste.

Section 2: Generator of Waste - Indicating name, complete address and telephone number for all pumpouts. Any waste that does not originate in a single-family residence must also include the generator's signature.

Section 3: Hauler of Waste - Indicating company name, HWD Permit number, vehicle license number, pumpout date and signature.

Section 4: Acceptance by the Utility - An Utility representative must sign the HWD Manifest for any conditionally approved loads. The original of the HWD Manifest must be left at the WWTP.

## **Section 19-186 Fees**

Fees for Permit Application, Permit Renewal, Disposal, and Laboratory Analysis are established in a fee schedule approved by the Board of Supervisors.

## **Section 19-187 Specific Discharge Requirements**

Hauled Wastes will be received by the Utility at the designated WWTP Dump Station on days designated in the Concurrence to the Permit Application during normal hours of operation as

established by the Utility. Whenever the Utility deems it necessary to revise and update such information, copies of revised schedules will be furnished to each permittee.

Specific methods of transferring hauled wastes from the truck to the Dump Station will be established by the Utility and furnished to the Hauler. The Hauler will be required to furnish any required hoses, connectors and the like to provide a watertight connection between the truck and the Dump Station.

Care shall be taken when connecting, disconnecting or unloading to prevent the spillage of any materials around the Dump Station. The Hauler and their employees shall bear the full responsibility to leave the Dump Station in a satisfactory condition. If necessary, the area shall be washed down by the Hauler, or its employees, before departing the site.

Each registered vehicle shall carry a copy of the Sewage Handling Permit at all times. An Utility representative may request to see the Permit at any time.

An Utility representative may request information concerning the origin and nature of the contents of any registered vehicle. In addition, the Hauler shall allow the Utility to immediately obtain a sample of the waste from any vehicle. The Hauler shall comply with all information requests concerning the load. This may include but is not limited to the following information; pick up points, volumes and waste characteristics.

Discharges into the Utility's Dump Station will be permitted only when all Federal, State or Local permits required by the Hauler for transporting liquid wastes are valid and current. In addition, the Hauler's vehicle insurance, inspection and license shall be kept current. Expired vehicle insurance coverage, inspection or license will result in the suspension of disposal privileges.

The Hauler shall immediately report to the Utility any changes in business name, ownership, address/telephone number and registered vehicles. Changes to vehicles include but are not limited to: the modification of previously registered vehicles, the addition of vehicles, or the deletion of vehicles.

In the case of multiple pumpouts included as one vehicle load, any part of the load that is prohibited or restricted shall constitute an entire load that is unacceptable for discharge.

The Utility reserves the unconditional right to refuse acceptance of any load or stop an unloading operation in progress at any time. Any Utility employee may unconditionally refuse to accept a load or stop an unloading in progress.

All vehicles used by the Hauler to haul waste shall be registered with the Utility. Any vehicle additions, deletions or modifications shall immediately be reported in writing to the Utility. The written notification shall include vehicle license number, make and model of vehicle, tank capacity and the nature of the modifications. The use of a registered hauled waste vehicle for the transportation or storage of hazardous materials, liquid petroleum fuels, waste oil, petroleum derivative wastes or corrosives is specifically prohibited.

The Discharge of any materials as defined by these regulations as prohibited wastes is specifically prohibited. These wastes include but are not limited to: flammables, explosives, corrosives or wastes with unacceptable levels of metals. Any violation on the part of the Hauler or their representatives with the conditions of their permit or any portion of these regulations shall be cause for immediate suspension of disposal privileges. In addition, such violations shall be cause for legal prosecution by the Utility under prevailing law.

Portable toilet wastes are considered to be conditionally acceptable hauled wastes. Under no circumstances will these be accepted if they contain any formalin or formaldehyde based deodorizers. Current MSDs for all deodorizers used by the Owner of such facilities must be kept on file with the Utility.

Invoices will be prepared at the beginning of each month for the previous month's disposal charges and will be due within twenty-five (25) days. A five percent (5%) delinquent payment charge will be added to any invoices unpaid by the due date and interest shall accrue at the rate of ten percent (10%) per annum thereafter until paid..

**Section 19-188 Compliance**

Disposal privileges may be suspended or revoked immediately for any violation of these provisions. The discharge of hauled wastes, not in conformance with the requirements of these provisions is strictly prohibited and may result in the suspension or revocation of disposal privileges and may result in prosecution as a violation of the Code of Westmoreland County. Violations shall be a class one (1) misdemeanor in addition to any other penalties provided for herein.

**Sections 19-189 - 19-199 Reserved**