

4/13/2015

Chapter 160

WATER AND SEWER

[HISTORY: Adopted by the Town Council of the Town of Grottoes 1-8-1985. Amendments noted where applicable.]

GENERAL REFERENCES

Land development — See Ch. 100.

ARTICLE I General Regulations

§ 160-1. Connection required.

- A. It shall be unlawful for the owner of any house or other building to be used for human habitation to occupy or to rent or to lease the same for occupancy by any person, or for any person to occupy the same, until such house or other building so to be used for human habitation shall have been provided with a supply of water, as described in this chapter, and until it shall be properly connected with the Town sewer system, if available, or be provided with a sanitary closet connected with a sewer system or septic tank.
- B. If any landlord shall fail to supply any house or other building of his or hers with such connections or method of disposal of sewage and such a supply of water, his or her tenants shall supply the same in conformity with the orders of the Public Works Director or other designated official and may deduct the cost thereof from any sum due the landlord for rent.
- C. This section shall not apply to any house or other building constructed prior to March 1, 1970.

§ 160-2. Recreation or construction camps.

It shall be unlawful for any person to maintain or to rent or lease any recreation or construction camp or camping place for tourists or to use any building or tent for protracted meetings until such camp, camping place, building or tent is supplied with sanitary closets connected with a sewer system or septic tank.

§ 160-3. Compliance of sewers required.

No individual sewage system shall be permitted on any lot within the corporate limits of the Town unless such system is designed, located and constructed in accordance with the requirements, standards and recommendations of the Public Works Director or other designated official.

§ 160-4. Disposal of human excrement.

- A. No person shall maintain or permit on premises owned by him or her within the Town any arrangements for the disposal of human excrement which may possibly endanger a source of drinking water or be accessible to flies or animals.
- B. No person shall deposit human excrement upon the surface of the ground or other place within the Town where it may be exposed to flies or animals.

**ARTICLE II
Water Systems Regulations**

§ 160-5. Private systems prohibited.

For the promotion of the health and general welfare of the general public, it shall be unlawful for any person other than the Town of Grottoes to furnish any water to any other person within the corporate limits of the Town where Town water is available.

§ 160-6. Supervision of systems. [Amended 7-8-1996]

- A. The water system of the Town shall be under the immediate supervision of the Town Public Works Director and the Committee on Water and Sewer. The Town Public Works Director shall exercise immediate control of the water system.
- B. The Town Public Works Director shall have supervision over the water system and all pipes, plugs and other properties in any way connected therewith. The Town Public Works Director shall keep all parts of the machinery and equipment in connection with the system in good order and repair. He or she shall keep a map showing the location of the main pipes and length and size of each of them. When there is an extension of any main pipe, he or she shall mark on the map the place of the extension, size of pipe used and other related information and shall keep an account of the cost of material and labor used in making such extension. He or she shall keep a record of all branch pipes, hydrants and other connections with the water system.

§ 160-7. Enforcement. [Amended 7-8-1996]

The Committee on Water shall see that all provisions of this code and other ordinances of the Town and state law, the general object of which is to safeguard public health against injurious effects arising from impurities and contamination, unsanitary or other objectionable conditions affecting the water supply of the Town, are strictly enforced.

§ 160-8. General provisions. [Amended 7-8-1996]

All connections to the Town water system shall be made as provided in this article and only upon order of the Town agent.

§ 160-9. Application for service.

Whenever any person owning property in the Town along the line of any water main, or who lives outside of Town and desires Town water service, shall desire the introduction of water into such premises, he or she shall make written application therefor to the Town Public Works Director. Such application shall set forth the name of the applicant, the location of the property into which the water is to be introduced, the purposes for which the water is to be used and the name of the plumber who is to do the work incident to the introduction of water into the premises. Such application shall also contain a provision which, upon acceptance of the application by the Town Public Works Director and subsequent connection for the service pipe with the main, will obligate the owner of the premises to pay for all water furnished pursuant to such application. The Town Public Works Director shall not cause water to be furnished at any water connection until the owner of the premises has agreed to pay for all water furnished.

§ 160-10. Extension of service within Town limits. [Amended 12-3-1985; 2-14-2011]

Upon approval of an application for a connection as set out in § 160-9 of this chapter, the applicant shall be entitled to extend a water service lateral from the closest feasible point on the existing system to the water meter box and yoke nearest the property line of the applicant. The applicant shall be responsible for constructing the water line and shall also bear the cost of construction of the system from the water meter box to the structure being served. All construction shall conform to Town specifications and shall be inspected and approved upon completion. Upon completion and approval by the Town, the newly constructed water service lateral and related structures to and including the water meter box shall be part of the Town system, owned, operated and maintained by the Town.

§ 160-11. Extension of main water lines within Town limits. [Amended 12-3-1985]

Extension of main water lines within the Town limits shall be at the expense of the applicant whose request for water service requires such extension. Upon application for such service the Town, at its option, may construct the main lines and related structures upon prepayment of the estimated cost of construction, plus 20%. If the Town declines, then the applicant may construct said lines and structures pursuant to § 160-12 of this Chapter. Upon completion of construction, the actual cost shall be determined, and if the amount prepaid to the Town exceeds the actual cost plus 20%, the excess shall be returned to the applicant; if there is a deficiency, the applicant shall pay the amount to the Town.

§ 160-12. Right of property owners to extend service. [Amended 12-3-1985; 1-13-1987]

- A. When service is requested to an area not presently served by the Town water system and it is determined by the Town to be economically unfeasible to extend the service, the person, firm or contractor may extend the service at his, her or its expense if approved by the Town Council. All construction shall conform to Town specifications.
- B. Upon completion and approval by the Town, the newly constructed lines and structures shall become part of the Town system, owned, operated and

maintained by the Town, and the Town shall have the right to connect with and furnish water service through such system to other property owners without approval or payment to the party who constructed said lines and structures.¹

§ 160-13. Extension of service within corporate limits. [Amended 12-3-1985]

If the Town Council determines it to be in the best interests of the Town to extend its existing water lines partly or wholly at Town expense, it may enter into agreements with individual landowners or developers whereby such extensions of existing water lines shall be accomplished and the costs thereof shared as mutually agreed; or, in the proper case, the Town Council may resolve to extend the Town water system wholly at Town expense. In determining the best interests of the Town, the Council shall consider the number of potential connections which such extension of the system might be expected to facilitate, the enhancement to the value or capability of the existing system that would result from such extension, the value of any easements that would be granted to the Town under such agreements, the potential for increased employment opportunities and economic development that might reasonably be expected to result from such an extension and the increased revenue the Town could be expected to derive from utility service charges and taxes in respect to future development.

§ 160-14. Connection requirements.

- A. Each individual residential, business or other unit shall be required to have a separate connection and meter, unless otherwise authorized by the Council.
- B. A stopcock or valve located between the meter and the first service connection on any line shall be required on all connections to the Town water system made after the effective date of this chapter. Each stopcock or valve shall be in place prior to attachment to the Town water system.

§ 160-15. Connections outside of Town.

No water shall be supplied by the Town to any person outside the corporate limits of the Town, except upon express permission granted by the Council.

§ 160-16. Water hookup fees. [Amended 1-8-1985; 11-10-1987; 4-8-1991; 10-10-1994; 7-8-1996; 1-9-2006]

- A. The connection fee will provide for permission to connect to the Town's water system, and for the equipment described below.
- B. The Town shall furnish the water setter, and the water meter for complete water service and shall, consistent with remaining water system ordinances, turn on the water when requested to do so by the property owner or occupant of the premises.

¹ Former Subsection C, regarding reimbursement of costs to construct water lines, as amended, was repealed 2-14-2011.

The property owner shall supply all other equipment necessary for the connection, including water pipes and the water meter box, and shall also furnish all labor.

Before a connection to the Town water system shall be made, the applicant shall pay to the Town Treasurer the charges set forth in Chapter A171, Fees.

- C. (Reserved)
- D. Once paid, the connection fee is valid for 90 days. The actual physical connection to the Town sewer system shall be completed within 90 days from the date of payment of the connection fee. If the connection is not made and an occupancy permit is not issued within said ninety-day period, the property owner shall pay to the Town an amount equal to any increases in the connection fee which may have taken effect between the date of the original payment and the date on which the occupancy permit is issued.
- E. This section will in no way supersede any prior agreements with the Town where payments are being made in a timely manner.

§ 160-17. Duties of Town Public Works Director.

- A. Water cutoffs shall be made by the Town Public Works Director.
- B. Every person occupying a lot or tenement into which water is conveyed from the Town water system shall permit the Town Public Works Director to enter such lot or tenement at reasonable hours to inspect the work therein or to see if the provisions of this chapter and other ordinances of the Town relative to the water system are being or have been violated.

§ 160-18. Restricted acts.

- A. Any person who shall use water from the Town's water system without having obtained the right to do so shall be guilty of a misdemeanor.
- B. No person who is not a member of the Fire Company shall use or manipulate, unless by order of the Town Public Works Director or Fire Chief, any of the fire plugs or hydrants of the Town.
- C. No person shall bathe in the reservoirs of the Town water system. [Amended 7-8-1996]
- D. No person shall deposit any offensive matter or any sticks, mud or rubbish in the reservoir of the Town water system. No person shall knowingly or willfully cast any dead animals or any other noxious substance or matter or what is commonly known as "bait" into any of the streams, reservoirs or other sources of the Town water supply nor drown and leave or cause to be drowned and left any animal therein or to do any other similar act by reason of which the health of any person is affected or the water supply of the Town is rendered impure or offensive. [Amended 7-8-1996]

- E. No person shall, without lawful authority, climb over or get through or break into the enclosure of the reservoir or well lots of the Town water system. [Amended 7-81996]
- F. No person shall place any building material, rubbish or other matter at the stopcock, street main or service pipe or obstruct access to any fixture connected with the waterworks.
- G. No person shall remove or injure any pipe, fireplug, hydrant, cock or other part of the Town water system.
- H. No person shall open any pipe, fireplug, hydrant, cock or other part of the Town water system so as to waste water.

ARTICLE III

Cross-Connections

§ 160-19. Restrictions.

No person shall make or permit to be made to the Town water system or to any private water line connected thereto any connection from a private well, reservoir, spring or other private source of water supply, whether such connection is made on or off the property of such person; provided, however, that the Public Works Director may allow such cross-connection to be made where, in his or her judgment, no contamination of the Town water supply will result therefrom. In no case, however, shall any cross-connection be made, except under the authority of a written permit from the Public Works Director, and except further in accordance with plans and specifications approved by the Public Works Director. All such cross-connections, where made, shall be inspected and approved from time to time by the proper officials of the Water Department of the Town. The Public Works Director shall have power to revoke the permit allowing such cross-connection at any time such cross-connection does not pass inspection or it is to the best interest of the public that such cross-connection be discontinued.

§ 160-20. Title.

The provisions set forth in this article shall constitute and be known and cited as the "Cross-Connection Control Program, Town of Grottoes, Virginia."

§ 160-21. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AIR GAP — The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle. This distance shall be two times the diameter of the outlet. In case of near-walls, this distance shall be three times the diameter of the outlet.

ASPIRATOR — A fitting or device supplied with water or other fluid under positive pressure which passes through an integral orifice or constriction causing a vacuum.

Aspirators are often referred to as "suction" apparatus and are similar in operation to an ejector.

AUXILIARY SUPPLY — Any water source or system other than public water supply that may be available in the building or premises.

BACKFLOW — The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended source. Backsiphoning and back pressure are types of backflow.

BACKFLOW CONNECTION — Any arrangement whereby backflow can occur.

BACKFLOW PREVENTER — A device or means to prevent backflow.

BACKFLOW PREVENTER, REDUCED-PRESSURE-ZONE-TYPE — An assembly of differential valves and check valves, including an automatically opened spillage port to the atmosphere.

BACKSIPHONING — The flowing back of used, contaminated or polluted water from a plumbing fixture or vessel or other sources into a portable water supply pipe due to a negative pressure in such pipe.

BUREAU — Commonwealth of Virginia Department of Health, Bureau of Sanitary Engineering.

CONTAMINATION — Any introduction into pure water of microorganisms, wastes, undesirable chemicals or gases.

CROSS-CONNECTION — Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemicals whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two system. Furthermore, it is any potable water supply outlet which is submerged or can be submerged in waste and/or other source of contamination.

DOUBLE CHECK VALVE ASSEMBLY — An assembly of two internally loaded, specially designed and independently operating check valves together with a tightly closing shutoff valve on the upstream and the downstream side of the check valves and equipped with properly placed female threaded test cocks.

EXISTING GROUND LEVEL — The level above which surface water will not accumulate under normal conditions.

FLOOD LEVEL RIM — The edge of the receptacle from which water overflows.

HAZARD — Any conditions, devices or practices in the Town of Grottoes' water distribution system and its operation which create, or may tend to create, in the judgment of the Public Works Director, a danger to the health and well-being of the consumer.

OWNER or DESIGNATED AGENT — The person or persons in charge, card and/or control of the property; the tenant; the consumer who signed the water service agreement.

POLLUTION — The presence of any foreign substance (chemical, physical, radiological or biological) in water that tends to degrade the quality so as to constitute an unnecessary risk or impair the usefulness of the water.

SERVICE CONNECTION — The terminal end of a service line from the water system on the downstream side of the meter.

SERVICE LINE — That portion of the water line from the consumer's side of the meter to the first water outlet.

PUBLIC WORKS DIRECTOR — The Town Public Works Director of the Town of Grottoes or any other person designated by the Town Council.

TOWN MANAGER — Shall mean the Town Manager of the Town of Grottoes or an authorized designee.

TOXIC — Any substance of solids or liquids harmful for human consumption.

VACUUM BREAKER, ATMOSPHERIC — A vacuum breaker which is not designed to be subjected to static line pressure.

VACUUM BREAKER, PRESSURE-TYPE — A vacuum breaker designed to operate under conditions of static line pressure.

§ 160-22. Establishment of program.

There is hereby established a Cross-Connection Control Program which shall be in the charge of the Public Works Director.

§ 160-23. Purpose.

The purpose of this article is:

- A. To protect the public potable water supply of the Town of Grottoes and the Town's complete water distribution system from the possibility of contamination or pollution by isolating within its customer's internal distribution systems such contaminants or pollutants which could backflow into the public water supply system.
- B. To eliminate or control the existing cross-connection, actual or potential, at each water outlet from the consumer's service line.
- C. To provide for the maintenance of a continuing program of cross-connection which will systematically and effectively prevent the contamination or pollution of the potable water system.

§ 160-24. Responsibility of Town.

The Town of Grottoes, as the purveyor, recognizes a responsibility to provide its customers, at the service connection, with safe, potable water under all foreseeable circumstances. Thus, in the exercise of this responsibility, the water purveyor must take reasonable precaution to protect the distribution system from the hazards originating on the premises

of its customers. Such hazards exist in cross-connections and potential cross-connections within the water distribution system.

§ 160-25. Conformance.

It is realized that a Cross-Connection Control Program is regulatory in nature and is, therefore, in conformance with the rules, regulations and recommendations of the Town of Grottoes. The requirements of this program are in conformity with the waterworks regulations approved by the State Board of Health and the Plumbing Code.

§ 160-26. Inspections.

- A. The Public Works Director or his or her designated agent shall inspect the plumbing in every building or premises in the Town of Grottoes as frequently as in his or her judgment may be necessary to ensure that such plumbing has been installed and is maintained in such a manner as to prevent the possibility of pollution or contamination of the public water supply. The Public Works Director shall notify or cause to be notified, in writing, the owner or his or her designated agent of any such building or premises to correct, within a reasonable time set by the Public Works Director, any plumbing installed or existing contrary to or in violation of this article and which in his or her judgment may, therefore, permit the pollution of the Town water supply or otherwise adversely affect the public health.
- B. Under this article, the Public Works Director or his or her duly authorized representative shall have the right to enter any building, structure or premises to perform an inspection as imposed upon him or her by the regulations as set forth in this article.

§ 160-27. Appeals.

The Committee on Water of the Town Council shall act as the appeal board to which the owner or his or her designated agent may submit, in writing, to the Chairman, his or her desire to appeal the violations found during the inspection of his or her property by the Public Works Director or his or her duly authorized agent.

§ 160-28. Cross-connection control.

- A. A potable water supply system shall be designed, installed and maintained in such manner as to prevent contamination from nonpotable liquids, solids or gases, either harmful or benign, from being introduced into the potable water supply through cross-connections or any other piping connections to the system. This is accomplished by protecting every water outlet from the potable water system which poses a possible cross-connection. Wherever these outlets cannot be protected in accordance with the minimum air gap, they require a mechanical device to prevent backflow from backsiphoning or back pressure as appropriate according to the degree of hazard. In cases where, in the judgment of the Public Works Director, water usage is sufficiently complex or the severity of the hazard warrants, an air gap or backflow prevention device may be required immediately downstream from the service connection or at a point approved by the Public Works Director.

B. Types of connections shall be as follows:

Table of Types of Connection

Type of Connection	Air Gap	Nonpressure Breaker	Reduced Double Pressure Check Backflow Vacuum Vacuum Valve Assembly Breaker Assembly Prevention		
Direct water connection subject to back pressure from					
Pumps, tanks and lines containing:					
Sewage substances	x				x
Toxic substances	x				x
Nontoxic substances	x			x	x
Steam lines and steam boilers:					
Boiler or steam connection to toxic substances*	x			x	x
Boiler or steam connection to nontoxic substances (boiler blowoff or drains not connected directly to sewer)					
Inlet-type water connections not subject to back pressure:					
Waste line (not subject to back pressure due to waste line stoppages)	x	x	x		x
Low inlet to receptacles containing toxic substances*	x	x	x		x
Low inlet to receptacles containing nontoxic substances	x	x	x	x	x
Low inlet into domestic water tanks	No protection required				
Lawn sprinkler systems	x	x	x		x
Coils or jackets used as heat exchangers in compressors, degreasers or other equipment:					
In toxic substances*	x	x	x		x
In nontoxic substances		No protection required			
Flush valve toilets		x			
Toilet and urinal tanks	x	x			
Trough urinals		x			
Valved outlet or fixtures with hose attachments which may constitute a cross-connection:					
Toxic substances*	x	x	x		x

*Nontoxic substances

x

x

x

x

x

NOTES:

*Depending on degree of toxicity.

- C. The above is to be used as a guide. In some cases more stringent cross-connection control may be required at the discretion of the Public Works Director.

§ 160-29. Control regulations.

- A. Auxiliary supplies. Cross-connection between potable water systems with wells and other systems or equipment containing water or other substances of unknown or questionable safety are prohibited, except when and where, as approved by the Public Works Director, suitable protective devices such as the reduced pressure zone backflow preventer are installed, maintained and tested to ensure proper operation on a continuing basis.
- B. Boilers. Potable water inlet connections to boilers shall be made through an air gap or provided with an approved backflow preventer.
- C. Refrigerating unit condensers, cooling jackets and air-conditioning cooling systems. Potable water inlet connections shall be air gapped or provided with an approved backflow preventer.
- D. Fire service systems.
- (1) Systems having direct connections to the waterworks, plus one or more of the following: approved storage tanks, fire pumps taking suction from approved storage tanks and with all facilities served by the waterworks, must provide an air gap, an approved double gate - double check valve assembly or a reduced pressure principle backflow preventer (RP device). Storage facilities must meet the requirements for pure water storage, and the water in the tank must be maintained in a pure water condition.
 - (2) Systems having direct connections to the waterworks and with an auxiliary supply within 1,700 feet of the pump connection must provide an air gap, a double gate - double check valve assembly or an RP device depending on the quality of the auxiliary supply. A pump connection adjacent to a river, pond or other raw water sources requires an air gap. An auxiliary source from an approved water supply requires either of the two mechanical devices.
 - (3) Systems having direct connections to the waterworks and interconnections with auxiliary supplies, such as pumps taking suction from raw water sources, exposed storage tanks, industrial water supplies, connections to unapproved ground waters or where antifreeze or other chemicals are added, must provide an air gap.

- (4) Systems having direct connections to the waterworks from buildings having combined industrial and fire systems, whether with or without storage tanks or pump connections, must provide an air gap.
- E. Hose outlets. Vacuum breakers approved by the Public Works Director shall be required on all hose outlets, to include hose bibbs, wall hydrants, sill socks and any sink outlet that will permit any type of hose connection to be connected thereto.
- F. Irrigation and sprinkler system. An approved backflow prevention device shall be installed. Systems having direct connections to waterworks serving lawn sprinkler or irrigation systems must provide an air gap, double gate - double check valve assembly or an RP device. If the sprinkler or irrigation system is also connected to an auxiliary source, an adequate design must be provided to prevent backflow.
- G. Low-pressure cutoff required on booster pumps. When a booster pump is used on a water pressure booster system and the possibility exists that a positive pressure of 10 psi or less may occur on the suction side of the pump, there shall be installed a low-pressure cutoff on the booster pump to prevent the creation of a vacuum or negative pressure on the suction side of the pump, thus cutting off water to other outlets.
- H. Service line protection. Wherever it is determined by the Public Works Director that the potential hazard within a premises requires isolation from the system, an approved backflow preventer will be installed on the service line. Whenever continuous service is imperative, a pair of backflow preventers may be installed in parallel.
- I. Tanks and vats.
- (1) Where a potable water outlet terminates below the flood level rim of a tank or vat and the tank or vat has an overflow of diameter not less than given in the table below, the overflow pipe shall be provided with an air gap as close to the tank as practical.

Sizes of Overflow Pipe for Water Supply Tanks

Maximum Capacity of Water Supply Line To Tank (gpm)	Diameter of Overflow Pipe (inches ID)
0 to 50	2
50 to 100	2 1/2
100 to 200	3
200 to 400	4
400 to 700	5
700 to 1,000	6
1,000 to 1,500	8

- (2) The potable water outlet to the tank or vat shall terminate a distance not less than 1 1/2 times the height to which water can rise in the tank above the top of the overflow.

- J. Protective devices required. Approved devices to protect against backpressure and backsiphoning shall be installed at all fixtures and equipment where backflow may occur and where a minimum air gap cannot be provided between the water outlet to the fixture or equipment and its flood level rim.
- (1) Connections not subject to back pressure. An approved backflow preventer shall be installed on the discharge side of the last valve on the line serving the fixture or equipment.
 - (2) Connections subject to back pressure. An approved backflow preventer shall be installed on the discharge side of the last valve on the line serving the fixture or equipment.
- K. Double check valve assembly. The Public Works Director may authorize installation of approved double check - double gate valve assemblies with test cocks as protective devices against backflow in connections between a potable water system and other fluids which, in the judgment of the Public Works Director, present no significant health hazards.

§ 160-30. Backflow prevention devices.

A. Approval.

- (1) Devices for the prevention of backflow should be tested and certified to meet the standards of one or more of the below-listed agencies:
 - (a) American Society of Sanitary Engineers (ASSE).
 - (b) American Water Works Association (AWWA).
 - (c) American National Standards Institute (ANSI).
 - (d) University of Southern California Foundation for Cross-Connection Control.
 - (e) Department of Health, Education and Welfare list of accepted equipment for interstate carriers.
- (2) Final approval for use rests with the Public Works Director and the Bureau.

B. Certified plans. Certified plans for the following types of facilities shall be submitted, in duplicate, to the Public Works Director prior to construction. An approved copy shall be forwarded to the Bureau.

- (1) Hospital, mortuaries, clinics and nursing homes.
- (2) Laboratories.

- (3) All swimming pools.
- (4) Sewage treatment plants, sewage pumping stations or stormwater pumping stations.
- (5) Food and beverage processing plants.
- (6) Chemical plants and dyeing plants.
- (7) Metal plating industries.
- (8) Petroleum processing or storage plants.
- (9) Radioactive materials processing plants or nuclear reactors.
- (10) Car washes.
- (11) Lawn sprinkler systems and irrigation systems.
- (12) Fire service systems.
- (13) Farms where the water is used for other than household purposes.
- (14) Others specified by the purveyor and/or the Bureau when reasonable cause can be shown for a potential backflow or cross-connection hazard.

C. Installation.

- (1) Backflow-preventing devices shall be accessibly located, preferably in the same room with the fixture they serve. In all cases, installation will be in accordance with the manufacturer's recommendations.
- (2) Atmospheric vacuum breakers shall be installed with the critical level at least six inches above the flood level rim of the fixture they service and on the discharge side of the last control valve to the fixture.
- (3) Pressure vacuum breakers shall be installed with the critical level at least 12 inches above the flood level rim of the fixture they serve.
- (4) Reduced-pressure principle backflow preventers and double check valve assembly shall be installed a minimum of 12 inches above existing ground level in an easily accessible location for testing and maintenance.

§ 160-31. Testing.

- A. General. It shall be the duty of the owner on any premises where backflow protective devices are installed to have competent inspections made at least once a year or more often in those instances where successive inspections indicate. These inspections must be made by a backflow prevention device tester certified by the Public Works Director. The devices shall be tested, repaired, overhauled or replaced as required at the expense of the water user. Records of such tests, repairs and overhaul shall be kept by the certified tester, a copy of which shall be sent to the Director.

- B. Certification of testers. Plumbers, maintenance personnel, employees of owners or owners of backflow prevention devices may become certified by the Public Works Director to test and inspect such devices by successfully completing the written and performance examination to the satisfaction of the Public Works Director or by such other procedures as the Public Works Director may prescribe.
- C. Classes of certification.
 - (1) A "single device tester" is a person who has been qualified to test and inspect a specific device at a single location.
 - (2) A "limited tester" is a person who has been trained and is qualified to perform the periodic testing and inspection on the devices contained within a specific plant or institution.
 - (3) A "general tester" is a registered plumber who has been trained and is qualified to perform the periodic testing and inspection on all approved devices.
- D. Certificates.
 - (1) Examination of backflow prevention device testers shall be given at such times as may be fixed by the Public Works Director, notice of which shall be given at least three days in advance to those who have filed applications for certification.
 - (2) In case of the failure of an applicant to pass such examination, he or she shall be eligible for reexamination at the next scheduled examination.
 - (3) The holder of a certificate of backflow prevention device tester, as herein provided, shall annually renew his or her certificate. Such renewal certificates shall be granted upon written application showing his or her purposes and that conditions remain unchanged, unless it is made to appear by affidavit filed with the Public Works Director charging that the applicant is no longer competent or entitled to such renewal certificate, in which event the renewal certificate shall not be granted until the applicant shall have the examination hereinbefore required.
 - (4) All certificates shall be valid for one year from the date of issue, provided that any certificate may be revoked by the Public Works Director at any time upon sufficient written and sworn charges filed with the Public Works Director showing the holder of the certificate to be then incompetent or guilty of a willful breach of the rules, regulations or requirements of the Public Works Director or the laws of this article or other causes sufficient for the revocation of his or her certificate, of which charges and hearing the holder of such certificate shall have written notice and shall have the right to be heard.
 - (5) If any such certificate is not renewed for a period of six months after expiration date, the holder to whom the same was issued shall not be permitted to engage in such occupation, nor shall a certificate be issued to him or her, unless and until he or she shall have made application and been examined in accordance with the above-described procedure.

§ 160-32. Notification of violation.

- A. The Public Works Director shall notify the owner or authorized agent of the owner of the building or premises in which there is found a violation of this article of such violation. The Public Works Director shall set a reasonable time for the owner to have the violation removed or corrected. Upon failure of the owner to have the defect corrected by the end of the specified time interval, the Public Works Director may, if in his or her judgment a health hazard exists, cause the water service to the building or premises to be terminated. Such action will be effected by written notification to the waterworks.
- B. Fines. The owner or authorized agent of the owner responsible for the maintenance of the plumbing systems in the building who knowingly permits a violation to remain uncorrected after the expiration of time set by the Public Works Director shall, upon conviction thereof by the court, be required to pay a fine as provided in § 16078. Each day of failure to comply with the requirements of this chapter, after the specified time, shall constitute a separate violation. [Amended 7-8-1996]

§ 160-33. Order required to turn on water.

Water shall not be turned on in any house or private service except by the order of the Public Works Director; provided, however, that this section shall not be construed to prohibit duly licensed and bonded plumbers from turning water into any such pipes to test the same or for purposes of testing the plumbing connected thereto.

§ 160-34. Emergency restrictions on water. [Amended 8-12-2002]

- A. Should the Town Council, at any time, declare there to be an emergency existing in the Town arising out of a shortage in the water supply, the following plans of action shall be implemented as directed by the Town Council's declaration:
 - (1) Voluntary conservation action. Upon declaration of voluntary conservation by the Town Council, the Town Manager shall undertake such steps as necessary to broadcast an appeal to the Town's water customers for self-imposed restrictions and efficient use of water. The contents of the appeal shall target the education of the Town's water customers regarding American Water Works Association recommended steps for conservation practices. [Amended 2-8-2010]
 - (2) Mandatory conservation actions.
 - (a) Upon declaration of mandatory conservation by the Town Council, the Town Manager shall order the restriction or prohibition of any or all of the following uses of the water supply: [Amended 2-8-2010]
 - [1] All users of fire hydrants except for necessary governmental operations.

- [2] Watering of shrubbery, trees, lawns, grass, plants or other vegetation, except from a watering can or other container not exceeding three gallons in capacity.
 - [3] Washing of automobiles, trucks, trailers or any other type of mobile equipment, except in facilities operating with a water recycling system approved by the Town, or except from a bucket or other container not exceeding three gallons in capacity; provided, further, that any facility operating with an approved water recycling system must prominently display, in public view, a sign stating that such a recycling system is in operation.
 - [4] Washing of sidewalks, streets, driveways, parking areas, service stations, exteriors of homes, apartment, commercial or industrial buildings or any other outdoor surface, except from a bucket or other container not exceeding three gallons in capacity.
 - [5] The operation of any ornamental fountain or other structure making a similar use of water.
 - [6] The filling of swimming or wading pools or the refilling of swimming or wading pools, which were drained after the effective date of the order.
 - [7] The serving of drinking water in restaurants, cafeterias or any other establishment, unless requested to do so by the individual being served.
- (b) The above restrictions, or any of them, shall become effective upon their being printed in the newspaper having general circulation in the Town, and/or being broadcast upon any radio or television station serving the Town.
 - (c) In addition to the above mandatory restrictions, the effective rate for water shall be increased per 1,000 gallons, based on the degree of severity of the water shortage as determined by the Town Council, as set forth in Chapter A171, Fees, and shall be set by resolution of the Town Council.
 - (d) Appeals board.
 - [1] Upon implementation of the mandatory conservation above, the Mayor or designee of Town Council shall appoint an appeals board consisting of three representatives, one from the Manager's office, one from the Town's Water Department, and one from the Town's Finance Department, the Town Attorney, or his designee shall serve as legal counsel to the appeals board. [Amended 2-8-2010]
 - [2] The appeals board shall be empowered to review customer applications for exemptions from the provisions of the mandatory conservation on a case-by-case basis and, if warranted, to make

equitable adjustments to such provisions. The board shall also be empowered to establish regulations governing the granting of temporary exemptions applicable to all or some of the users of the water supply as set forth. The board shall, in deciding applications, balance economic and other hardships to the applicant resulting from the imposition of water use restrictions or allocations against the individual and cumulative impacts to the water supply resulting from the granting of exemptions. Individual applications shall be decided by the board within two weeks of receipt of an application in proper form and containing all necessary information.

- (3) Emergency conservation action. Should all of the measures taken pursuant to Subsection A(1) and (2) of this section prove insufficient to preserve sufficient supplies of water for the citizens of the Town, upon the declaration of emergency conservation by the Town Council, the Public Works Director, after consultation with the Waterworks Supervisor, shall be authorized to restrict or discontinue the supply of water to any industrial or commercial activity which uses water beyond the sanitary and drinking needs of its employees and invitees. Residential customers shall be rationed monthly allotments of 75% of the previous year's monthly use, subject to a monthly surcharge or \$25 for exceeding the limit. Minimum bills shall be exempt.
- B. Penalty. Any person violating any provision of this section or any order of the Town Manager or Waterworks Supervisor issued pursuant to the authority granted hereunder shall be warned of the violation and notified of the need for immediate corrective action. Should the action continue the person shall be guilty of a Class 3 misdemeanor. In addition, the Town Manager or Waterworks Supervisor is hereby authorized to discontinue the water service, for one day per each offense, to any person convicted of such violations and to assess the normal reconnection fee for delinquency as penalty for such offense. [Amended 2-8-2010]
- C. Rescinding orders. Nothing in this section shall be construed to prohibit the Town Manager, after consultation with the Waterworks Supervisor, from rescinding any order issued hereunder when the conditions creating the need for such orders have abated. [Amended 2-8-2010]

ARTICLE IV **Charges and Meters**

§ 160-35. General regulations.

- A. All water furnished by the Town shall be, wherever practicable, measured by meters furnished and installed by the Town for that purpose. Such water meters shall be the property of the Town and shall be, unless otherwise authorized by the Public Works Director, placed as near the property line as possible and on property owned by the Town.
- B. All meters installed upon water service lines of the Town shall be the property of the Town. For each meter installed there shall be paid to the Town as a deposit

against future prompt payment of water bills a sum as set forth in Chapter A171, Fees, adopted by the Town Council, to be collected when the meter is placed in use. This deposit would be in addition to a similar deposit against future prompt payment of sewer bills as prescribed in Chapter A171. In any case where a meter larger than five-eighths-by-three-fourths-inch or three-fourths-inch meter shall be deemed necessary by the Town or its agent, the cost of the larger meter less the cost of a five-eighths-by-three-fourths-inch or three-fourths-inch meter shall be borne by the property owner or user. [Amended 9-9-1986]

§ 160-36. Meter readings.

All water passing through the meter installed for the measurement of water supplied by the Town shall be paid for according to meter readings at the rate prescribed by the Council, whether used or wasted.

§ 160-37. Water rates. [Amended 5-12-1987; 8-8-1989; 8-10-1992; 8-10-1993]

- A. The water rates shall be as set forth in Chapter A171, Fees, and shall be set by resolution of the Town Council. [Amended 7-8-1996]
- B. For the purposes of this chapter, one basic charge as shown in Chapter A171, Fees (for the first 4,000 gallons), shall apply for each of the following users, particular residence, business or other location:
 - (1) A single-family residence.
 - (2) A business or other commercial purpose, to include any uses, activities, purposes or undertakings for which a license tax is prescribed by Chapter 144, Taxation, of the Code of the Town of Grottoes, whether or not such tax has actually been paid or demanded, and every such business shall constitute a separate use.
 - (3) A business or other commercial purpose for which no license tax is prescribed by Chapter 144, Taxation, of the Code of the Town of Grottoes, and every such business shall constitute a separate use.
 - (4) An apartment; provided, however, that each apartment unit shall constitute a separate use. [Amended 7-8-1996]

§ 160-38. Penalty for nonpayment. [Amended 9-9-1986]

If any water bill is not paid within 30 days after having been mailed by the Treasurer, a penalty charge shall be assessed in the amount of 10% of the total water, sewer, if applicable, and trash removal, if applicable, billing. If any water bill is not paid within 10 days after having been mailed a past due notice and assessment of penalties, water services to the premises in question may be discontinued, unless precluded by extenuating circumstances at the discretion of the Town Council.

§ 160-39. Overassessments. [Amended 7-8-1996; 2-8-2010]

Any user of water having a complaint in connection with the assessment of charges under this Article shall report the same to the Town Manager who shall adjust the same or refer the complaint to the Council. Any user who feels that he or she is overassessed may have his or her meter tested by the Town by the payment of a fee as set forth in Chapter A171, Fees, to the Town. If the meter

is found to over register, the fee shall be returned, but if the meter is correct or under registering, the fee shall be credited to the waste fund to cover the cost of the test.

§ 160-40. Turnoff charge. [Amended 7-8-1996]

A turnoff charge in an amount set forth in Chapter A171, Fees, shall be made if the customer fails to pay his or her water bill.

§ 160-41. Meter regulations.

- A. Any meter injured for any cause directly attributable to negligence of the owner or occupant shall be renewed or repaired at the expense of such owner or occupant of the property in question.
- B. No person shall tamper with a water meter or use or cause to be used any device whatsoever so as to injure the same or as to prevent or interrupt the proper and accurate registering by it of the quantity of water from the Town water system used or supplied.
- C. When water has been turned off from any premises for nonpayment of the charges for water supplied by the Town, any person turning the water back on without instructions from the Town Manager or Public Works Director shall be guilty of a misdemeanor. [Amended 2-8-2010]
- D. It shall be unlawful for any unauthorized person to open or enter any meter box or molest any meter valve, cock, pipe or other property of the Town waterworks.

§ 160-42. Estimate of water consumption upon meter tampering.

If at any time a meter shall be found to have been tampered with or for any reason shall fail to register or shall be found to be defective in registering since the last previous reading, the water consumption for such period may be estimated by an average of readings through the same or from past readings or from similar connections.

§ 160-43. Reduction in bill for eligible residents.

- A. The water bill for an eligible resident of Grottoes shall be reduced by a sum as set forth in Chapter A171, Fees, adopted by the Town Council, per billing period, provided that the lot to which such bill applies shall contain a residential structure; that said structure shall, in fact, be the residence of the eligible resident; that said lot or structure shall not be used for any commercial purposes; and further provided that only one such reduction shall be allowed to any eligible resident per billing period.
- B. For purposes of this chapter and section, the term "eligible resident" shall include any resident of Grottoes, Virginia, who is not less than 65 years of age and who has on file with the Grottoes Town Clerk an application of reduction of water bill on a form approved by the Grottoes Town Council.
- C. For purposes of this chapter and action, the term "commercial purposes" shall include any uses, activities, purposes or other undertakings for which a license tax is prescribed by Chapter 144, Taxation, of the Code of the Town of Grottoes, whether or not such tax has actually been paid or demanded.

§ 160-44. Verification of tank size.

- A. All persons hauling water from the Town's pumping station shall have their tank measured to verify the number of gallons being hauled per load.
- B. Within two months of the adoption of this section, each hauler shall have his or her tank size verified by the Chairman of the Water Committee of his/her designate. In the instance of a person wishing to haul water from the Town pumping station for the first time, this verification must be done before any water is hauled. In the event that a water hauler changes tanks, the new tank shall be verified before any water is hauled.
- C. There will be no change of fees because of this verification and upon verification each water hauler will be supplied with an unused Town tag as proof of verification.
- D. Failure to comply with the provisions of this section will result in a loss of the privilege to use the aforesaid pumping station.

§ 160-45 - § 160-50 - Saved.

ARTICLE V
Sanitary Sewer Regulations

§ 160-51. Purpose.

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

This article sets forth policies for the administration and operation of the Town's wastewater collection and treatment system, to assure that the facilities are used in the common interest of the public. The uniform requirements established herein for wastewater discharges are intended to enable the Town of Grottoes to correct sewer problems within the Town and to comply with the requirements set forth by the State Water Control Board and the Virginia Health Department.

§ 160-52. Scope.

A. The definitions of terms used in this Ordinance are found in Article VI. The provisions of this Ordinance shall apply to the discharge of all wastewater into the Town of Grottoes Sewer System. This Ordinance provides for use of the Town of Grottoes Sewer System, regulation of sewer construction, control of the quantity and quality of wastewater discharged, wastewater pretreatment, equitable distribution of costs, assurance that existing customers' capacity will not be preempted, approval of sewer construction plans, issuance of user Permits, minimum sewer connection standards and conditions, and penalties and other procedures in cases of violation of this Ordinance.

B. This Ordinance shall apply to the Town of Grottoes and to persons outside the Town who are, by contract, permit, or agreement with the Town, users of the Town of Grottoes Sewer System.

§ 160-53. Administration.

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

§ 160-54. Fees and Charges.

A. All fees and charges payable under the provisions of this Ordinance shall be paid to the Town of Grottoes. Such fees and charges shall be as set forth herein or as established in the latest edition of the Grottoes Town Code in Chapter A171.

B. All user fees, penalties and charges collected under this Ordinance shall be used for the sole purpose of constructing, operating or maintaining the sewer treatment works of the Town of Grottoes, or the retirement of debt incurred for same.

C. All fees and charges payable under the provisions of this Ordinance are due and payable upon the receipt of notice of charges. Unpaid charges shall become delinquent and shall be subject to penalty charges as provided for in the latest edition of the Grottoes Town Code.

§ 160-55. Inspections.

A. The Public Works Director or authorized State or Federal officials, bearing the proper credentials and identification, shall be permitted to enter all premises where an effluent source or treatment system is located at any reasonable time for the purposes of inspection, observation, measurement, sampling and/or copying records of the wastewater discharge to ensure that discharge to the treatment works is in accordance with the provisions of this Ordinance.

B. The Public Works Director, bearing proper credentials and identification, shall be permitted to enter all private property through which the Town holds an easement for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of any of the Town of Grottoes Sewer System lying within the easement. All entry, and any subsequent work on the easement, shall be done pursuant to the terms of the easement pertaining to the private property involved.

C. While performing any necessary work on private properties referred to in paragraphs A and B above, the Public Works Director shall observe all safety and occupational rules established by the owner or occupant of the property and applicable to the premises.

§ 160-56. Damage/Vandalism.

No person while engaged in any construction of any type shall damage or in any way break or remove any portion of any sewer lines or manholes or any other property that is in any way connected with the public sewage treatment facilities for the Town. Any person and/or firm that is a part in such damages shall be prosecuted to the fullest extent of the law and full restitution shall be sought.

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

If any provision of these regulations, or the application of any provision of these regulations to any person or circumstances, is held invalid, the application of such provision to other persons or circumstances, and the remainder of the regulations, shall not be affected thereby.

§ 160-57. Amendments of the Ordinance.

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

ARTICLE VI - DEFINITIONS

§ 160-58. Specific Definitions.

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

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

"Approval Authority" means the Executive Director or Director of the Department of Environmental Quality.

"ASTM" shall mean the American Society for Testing and Materials.

"Authorized Representative of Industrial User" shall mean:

- 1) A principal executive officer of at least the level of Vice President, if the industrial user is a corporation; or Operating Manager of an LLC.
- 2) A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively; or
- 3) A duly authorized representative of the individual designated in #1 or #2, above, if such representative is responsible for the overall operation of the facility from which the discharge to the POTW originates. The authorization must be submitted to the Public Works Director prior to or together with any reports to be signed by the authorized representative.

"BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C, expressed in milligrams per liter.

"Building Sewer" shall mean the extension from a building wastewater plumbing facility to the treatment works.

"Categorical Pretreatment Standard or Categorical Standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(a) & 307(c) of the Act, which apply to specific categories of industrial users which appear in 40 CFR Chapter I, Subchapter N, Parts 405 - 471.

Combined Sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.

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

"Discharger" shall mean person or persons, firm, company, industry or other similar sources of wastewater who introduce such into the POTW.

"Easement" shall mean an acquired legal right for the specific use of land owned by others.

"EPA" shall mean the United States Environmental Protection Agency.

"Establishment" shall mean any industrial establishment, mill, factory, tannery, paper or pulp mill, mine, coal mine, colliery, breaker or coal processing operations, quarry, oil refinery, boat, vessel, and each and every other industry or plant or works the operation of which produces industrial wastes or other wastes or which may otherwise alter the physical, chemical or biological properties of any state waters.

"Existing Source" shall mean any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

"Garbage" shall mean the solid animal and vegetable wastes resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking, and serving of foods.

"Ground Water" shall mean any water beneath the land surface in the zone of saturation.

"Indirect Discharge" shall mean the introduction of (nondomestic) pollutants into the POTW from any nondomestic source regulated under Section 307(b) (c) or (d) of the Act.

"Industrial User or Significant Discharger" means a source of indirect discharge, or a nondomestic discharge to a treatment works.

"Industrial Wastes" shall mean liquid or other wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources.

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

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

"Municipality" shall mean a city, county, town, district association, authority or other public body created under the law and having jurisdiction over disposal of sewage, industrial, or other wastes.

"Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or any other body of surface or groundwater.

"New Source" shall have the same meaning as provided in 40 CFR Part 403.3(k) (1990).

"Owner" shall mean the Commonwealth or any of its political subdivisions, including, but not limited to, sanitation district commissions and authorities, and public or private institutions, corporations, associations, firms or companies organized or existing under the laws of this or any other state or country, or any person or group of persons acting individually or as a group.

"Pass-Through" shall mean the discharge of pollutants through a POTW into State waters in quantities or concentrations which are a cause in whole or in part of a violation of any

requirement of the POTW's VPDES permit, including an increase in the magnitude or duration of a violation.

"Person" shall mean any individual, firm, company, association, society, partnership, corporation, municipality, or other similar organization, agency or group.

"pH" shall mean the logarithm of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution as determined by Standard Methods.

"Pollutant" shall mean any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste, biological materials, radioactive material, heat wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial waste, and certain characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).

"POTW, Publicly Owned Treatment Works" shall mean any sewage treatment works that is owned by a State or Municipality. Sewers, pipes, or other conveyances are included in this definition only if they convey wastewater to a POTW providing treatment.

"Pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to discharge to the Town of Grottoes Sewer System.

"Pretreatment Requirements" shall mean any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

"Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to Industrial users.

"Properly Shredded Garbages" shall mean garbage that has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in the treatment works, with no particle greater than ½ inch in any dimension.

"Public Works Director" shall mean the Supervisor of the Grottoes Wastewater Treatment Plant, or his or her authorized representative.

"Residential User (Class 1)" shall mean all premises used only for human residency and which is connected to the treatment works.

"Sanitary Wastewater" shall mean wastewater discharged from the sanitary conveniences of dwellings, office buildings, industrial plants, or institutions.

"Significant Industrial User" shall be defined as follows:

- (a) Has a process wastewater* flow of 25,000 gallons or more per average work day; (*Excludes sanitary, non-contact cooling and boiler blow down wastewater.)
- (b) Contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW;
- (c) Is subject to categorical pretreatment standards; or

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

"Slug Load" shall mean any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standard of this Ordinance or any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.

"Standard Methods" shall mean the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, Water Pollution Control Federation and American Water Works Association.

"State" shall mean the Commonwealth of Virginia.

"Storm Sewer" shall mean a sewer for conveying storm, surface, and other waters, which is not intended to be transported to a treatment works.

"Surface Water" shall mean:

- (i) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (ii) All interstate waters, including interstate "wetlands";
- (iii) All other waters, such as inter/intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (3) which are used or could be used for industrial purposes by industries in interstate commerce.
- (iv) All impoundments of waters otherwise defined as surface waters under this definition;
- (v) Tributaries of waters identified in paragraphs (i) - (iv) of this definition;
- (vi) The territorial sea; and
- (vii) "Wetlands" adjacent to waters other than waters that are themselves wetlands, identified in paragraphs (i) - (vi) of this definition.

"Suspended Solids" shall mean the total suspended matter that either floats on the surface of, or is in suspension in, water or wastewater as determined by Standard Methods.

"Town Manager" shall mean the Town Manager of the Town of Grottoes or an authorized designee.

"Treatment Facility" shall mean only those mechanical power-driven devices necessary for the transmission and treatment of pollutants (e.g., pump stations, unit treatment processes).

"Treatment Works" shall mean any devices and systems used for the storage, treatment, recycling and/or reclamation of sewage or liquid industrial waste, or other waste necessary to recycle or reuse water, including intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances, extensions, improvements, remodeling, additions, or alterations, and any works, including land that will be

an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment, or any other method or system used for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined sewer water and sanitary sewer systems.

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

"User" shall mean a source of wastewater discharge into a POTW.

"User Permit" shall mean a document issued by the POTW to the User that permits the connection and/or introduction of wastes into the treatment works under the provisions of this Ordinance.

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

"Wastewater" shall mean a combination of liquid and water-carried wastes from residences, commercial buildings, industries, and institutions, together with any groundwater, surface water, or storm water that may be present.

"WPCF" shall mean the Water Pollution Control Federation.

B. Unless the context of usage indicates otherwise, the meaning of terms in this Ordinance and not defined in Section 160-58 above, shall be as defined in the Glossary: Water and Wastewater Control Engineering prepared by Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association, and Water Pollution Control Federation, Copyright 1969.

ARTICLE VII - USE OF THE TOWN OF GROTTOS SEWER SYSTEM

§ 160-59. Waste Disposal.

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

§ 160-60. Wastewater Discharges.

It shall be unlawful under State and Federal Law to discharge without a VPDES permit to any natural outlet within the Town of Grottoes or in any area under its jurisdiction. Wastewater discharges to the Town of Grottoes Sewer System are not authorized unless permitted by the Public Works Director in accordance with provisions of this Ordinance.

§ 160-61. Wastewater Disposal.

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

§ 160-62. Connection to Treatment Works Required.

The owner of any house, building, or property which is used for commercial, industrial and/or residential purposes, abutting on any street, alley, or rights-of-way in which there is or may be

located a sewer connected to the Town of Grottoes Sewer System, is required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly to the proper sewer in accordance with the provisions of this Ordinance, within 60 days after notice that sewer is available within 120 feet of the septic tank to be connected. This section shall not apply to any person served by a privately constructed, owned, operated, and maintained sewer and treatment facility which discharges directly to a natural outlet in accordance with the provisions of this Ordinance and applicable State and Federal laws.

ARTICLE VIII - BUILDING SEWERS AND CONNECTIONS

§ 160-63. Connection Permit.

- A. No person shall uncover, make any connections with, use, alter, or disturb any wastewater sewer or storm sewer without first obtaining a written permit from the Town Manager.
- B. There shall be two (2) classes of connections to the Town of Grottoes Sewer System.

CLASS I - residential

CLASS II - industrial

- C. In all cases, the owner shall make application for a permit to connect to the Town of Grottoes' Sewer System on a form furnished by the Town. The permit application shall be supplemented by wastewater information required to administer this Ordinance and the connection fees as set forth in Chapter A171, Schedule of Fees, paid to the Town at the time the application is filed.

§ 160-64. Collection Tanks.

The owner of any lots located in the Town which are required to connect to the Town's sewer system shall install and maintain a separate collection tank on their property which collection tank shall be connected to the Town's sewer system.

§ 160-65. Connection Requirements.

- A. Upon approval of an application for a connection as set out in §160-63 of this Article, the applicant shall be entitled to extend a sewage service lateral from the closest feasible point on the exiting system to the property line of the applicant. The applicant shall be responsible for constructing sewage line from the outlet point of the collector tank to the structure being served and shall also bear the cost of all construction. All construction shall conform to Town specifications and shall be inspected and approved upon completion. Upon completion and approval by the Town, the newly constructed sewage service lateral and related structures located downstream from the intake point of the collector tank shall be part of the Town system, owned, operated and maintained by the Town.
- B. Extension of main collector lines within the Town limits shall be at the expense of the applicant whose request for sewage service requires such extension. Upon application for such service, the Town, at its option, may construct the main lines and related structures upon prepayment of the estimated cost of construction plus 20%. If the Town declines then the applicant may construct said lines and structures pursuant to this Article. Upon completion of construction, the actual cost shall be determined, and if the amount prepaid to the Town exceeds the actual cost plus 20%, the excess shall be returned to applicant; if there is a deficiency, the applicant shall pay the amount to the Town.
- C. When service is requested to an area outside the service area of the sewer treatment area and it is determined by the Town to be economically unfeasible to extend the service, the person,

firm or contractor may extend the service at his, her or its expense if approved by the Town Council. Upon completion and approval by the Town, the newly constructed lines and structures shall become part of the Town system, owned, operated and maintained by the Town, and the Town shall have the right to connect with and furnish sewage service through such system to other property owners without approval or payment to the party who constructed said lines and structure.

- D. If the Town Council determines it to be in the best interests of the Town to extend its existing sewage lines partly or wholly at Town expense, it may enter into agreements with individual landowners or developers whereby such extensions or existing sewage lines shall be accomplished and the costs thereof shared as mutually agreed; or, in the proper case, the Town Council may resolve to extend the Town sewage system wholly at Town expense. In determining the best interests of the Town, the Council shall consider the number of potential connections which such extension of the system might be expected to facilitate, the enhancement to the value to capability of the existing system that would result from such extension, the value of any easements that would be granted to the town under such agreements, the potential for increased employment opportunities and economic development that might reasonably be expected to result from such an extension and the increased revenue the Town could be expected to derive from utility service charges and taxes in respect to future development.

§ 160-66. Connection Costs and Fees.

- A. It shall be mandatory for all new construction within the service area to connect to the system. All fees must be paid at the time of payment of the water connection fee.
- B. The costs and expenses incidental to the building sewer installation and connection to the Town of Grottoes Sewer System shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- C. The connection fee will provide for permission to connect to the Town's sewer system. The property owner is responsible for furnishing all other equipment necessary for the connection, including without limitation the sewer line, the tank, lid, labor, lines, etc.
- D. Initial hookup fees and future hookup fees shall be determined by the Town Council, and the single residence and other initial user hookup fees as set forth in Chapter A171, Fees, shall be paid in full within 30 days of the completion of the sewer treatment facility. Future hookup fees and fees not paid in full by this date shall be at an amount that will insure that time and materials are paid for in order to insure the financial integrity of the system. The Town shall provide the necessary line to hook onto the present or existing septic tank of the property owner or to the location of a newly installed septic tank. The property owner will provide for all lines necessary to connect the tank to the toilet facilities within the property. A schedule of hookup fees for single-family residences, multifamily units, businesses, in-home businesses, industrial users, etc., shall be available at the Town Hall.
- E. Once paid, the connection fee is valid for 90 days. The actual connection to the Town water system shall be completed and an occupancy permit issued within 90 days from the date of payment of the connection fee. If the connection is not completed within said period, the property owner must pay to the Town an amount equal to any increase in the connection fee which may have taken effect since the date of the original payment.
- F. This section in no way supersedes any prior agreements with the Town where the payments are being made in a timely manner.

- G. Owners of unimproved property which have requested sewage service and to which sewage service has been extended shall, after six months from the date that service is available to said property, pay to the Town Treasurer a monthly sewage availability fee equal to the minimum monthly water rate. This fee shall continue until said property is improved and connected with the sewage system and the regular monthly user fee is being charged.
- H. Owners of improved property who have requested sewage service but who have not connected said improvements to available sewage lines within 60 days after notification by the Town that service is available shall be charged and pay the same availability fee detailed in the above paragraphs.
- I. In the event of a stoppage of the main sewer lines, the Town shall take responsibility to remove the obstruction. Stoppage between the septic tank and the building being served shall be the responsibility of the owner, as well as all other maintenance of the lines between the tank and building of the property owner.
- J. No new permanent or concrete-based construction will be allowed within five feet of sewer lines, tanks or other sewer facilities.

§ 160-67. Separate Connections Required.

A separate and independent building sewer shall be provided for every building unless permission is granted by the Public Works Director. When this occurs, the building sewer serving the front building may be extended to the rear building and the whole considered as one building sewer. The Town of Grottoes assumes no obligation or responsibility for damage caused by or resulting from any single building sewer which serves two buildings.

§ 160-68. Existing Building Sewers.

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

§ 160-69. Building Sewer Design.

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

§ 160-70. Surface Runoff and Groundwater Drains.

No person shall connect roof, foundation, areaway, sump pumps, parking lot, roadway, or other surface runoff or groundwater drains to any sewer which is connected to the Town of Grottoes' Sewer System.

§ 160-71. Conformance to Applicable Codes.

The connection of a building sewer into a sewer system shall conform to the requirements of the building and plumbing code or other applicable requirements of the County of Rockingham, or Town of Grottoes, or the procedures set forth in appropriate specifications of the Commonwealth of Virginia Sewerage Regulations, Uniform Building Code of Virginia, and American Society of Testing Materials. The connections shall be made gas-tight and water-tight

and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the Public Works Director before installation.

§ 160-72. Connection Inspection.

The applicant for a building sewer or other drainage connection permit shall notify the Public Works Director when such sewer or drainage connection is ready for inspection prior to its connection to the Town of Grottoes' Sewer System. Such connection inspections and testing as deemed necessary by the Public Works Director shall be made by the Public Works Director.

§ 160-73. Excavation Guards and Property Restoration.

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

§ 160-74. Protection of Capacity for Existing Users.

The Public Works Director shall not issue a permit for any class of connection to the Town of Grottoes Sewer System unless there is sufficient capacity, not legally committed to other users, in the treatment works and treatment facilities to convey and adequately treat the quantity of wastewater which the requested connection will add to the system. The Public Works Director may permit such a connection if there are legally binding commitments to provide the needed capacity. The Town may refuse to extend service at any time if it deems that it is economically unfeasible to do so.

ARTICLE IX - CONDITIONS TO USE THE TOWN'S TREATMENT WORKS

§ 160-75. Special Uses of Treatment Works.

All discharges of storm water, surface water, groundwater, roof runoff, subsurface drainage, or other waters not intended to be treated in the treatment facility shall be made to storm sewers or natural outlets designed for such discharges, except as authorized under Article VIII, Section 160-69. Any connection, drain, or arrangement which will permit any such waters to enter any other sewer shall be deemed to be a violation of this section and this ordinance.

§ 160-76. Industrial User, General Prohibition Upon.

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

§ 160-77. Restricted Discharges.

- A. No person shall discharge or cause to be discharged to any of the Town's sewer system any substances, materials, waters, or wastes in such quantities or concentrations which do or are likely to:
 - (1) Create a fire or explosion hazard including, but not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas; waste stream with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using test methods specified in 40 CFR 261.21;

- (2) Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater facilities, but in no case discharges with the following properties:
 - (i) having a pH lower than 5.0 or greater than 11.0;
 - (3) Cause obstruction to the flow in sewers, or other interference with the operation of treatment facilities due to accumulation of solid or viscous materials;
 - (4) Constitute a rate of discharge or substantial deviation from normal rates of discharge, ("slug discharge"), sufficient to cause interference in the operation and performance of the treatment facilities;
 - (5) Contain heat in amounts which are likely to accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the treatment works or inhibit biological activity in the treatment facilities, but in no case shall the discharge of heat cause the temperature in the Town's sewer system to exceed 65 degrees C (150 degrees F) or the temperature of the influent to the treatment facilities to exceed 40 degrees C (104 degrees F) unless the facilities can accommodate such heat-and the (Town) has obtained prior approval from the approval authority;
 - (6) Contain more than 100 milligrams per liter of nonbiodegradable oils of mineral or petroleum origin;
 - (7) Contain floatable oils, fat, or grease;
 - (8) Contain noxious gases, vapors or fumes, malodorous gas or substance in quantities that may cause a public nuisance or cause acute human or safety problems;
 - (9) Contain radioactive wastes in harmful quantities as defined by applicable State and Federal regulations;
 - (10) Contain any garbage that has not been properly shredded;
 - (11) Contain any odor or color producing substances exceeding concentration limits which may be established by the Public Works Director for purposes of meeting the Town's VPDES permit;
 - (12) Petroleum oil, nonbiodegradeable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through; and
 - (13) Any trucked or hauled pollutants except at designated discharge points.
- B. If, in establishing discharge restrictions, discharge limits, or pretreatment standards pursuant to this Article, the Public Works Director establishes concentration limits to be met by a user, the Public Works Director in lieu of concentration limits, may establish mass limits of comparable stringency for an individual user at the request of such user. Upon approval by the State, such limits should become pretreatment standards.

§ 160-78. Categorical Pretreatment Standards.

- A. No person shall discharge or cause to be discharged to any treatment works wastewaters containing substances subject to an applicable Categorical Pretreatment Standard promulgated by EPA in excess of the quantity prescribed in such applicable pretreatment standards except as otherwise provided in this section. Compliance with such applicable pretreatment standards

shall be within 3 years of the date the standard is promulgated, provided, however, compliance with a categorical pretreatment standard for new sources shall be required upon commencement of discharge to the treatment works.

B. The Public Works Director shall notify any industrial user affected by the provisions of this Section and establish an enforceable compliance schedule for each.

C. No person shall discharge trucked hazardous wastes to the Town's sewer system.

§ 160-79. Special Agreements.

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

§ 160-80. Water & Energy Conservation.

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

§ 160-81. Excessive Discharge.

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

§ 160-82. Accidental Discharges.

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

B. Within five (5) days following an accidental discharge; the user shall submit to the Public Works Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve

the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the sewer system and treatment facility, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

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

ARTICLE X - INDUSTRIAL DISCHARGERS

§ 160-83. Information Requirements.

- A. All industrial dischargers shall file with the Town wastewater information deemed necessary by the Public Works Director for determination of compliance with this Ordinance, the Town's VPDES permit conditions, and State and Federal law. Such information shall be provided by completion of a questionnaire designed and supplied by the Public Works Director and by supplements thereto as may be necessary. Information requested in the questionnaire and designated by the discharger as confidential is subject to the conditions of confidentiality as set out in Section C of this Article.
- B. Where a person owns, operates or occupies properties designated as an industrial discharger at more than one location, separate information submittals shall be made for each location as may be required by the Public Works Director.
- C. Information and data on an Industrial User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, The Virginia Pollutant Discharge Elimination System (VPDES) Permit, State Disposal System permit and/or the Pretreatment Programs, provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

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

§ 160-84. User Permits.

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

B. Significant Industrial Users required to obtain a Permit shall complete, and file with the Town, an application in the form prescribed by the Town, and accompanied by a fee. Existing significant industrial users shall apply for a Permit within (30) days after the effective date of this Ordinance, and proposed new significant industrial users shall apply at least (90) days prior to connecting to or contributing to the treatment works. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, and location, (if different from address);
- (2) SIC number according to the Standards Industrial Classification Manual, Bureau of the Budget, 1987, as amended;
- (3) Wastewater constituents and characteristics including but not limited to those mentioned in Article IX, Section 160-77 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;
- (4) Time and duration of contribution;
- (5) Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by their size, location and elevation;
- (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (8) The nature and concentration of any pollutants in the discharge. A statement identifying the applicable pretreatment standards and requirements, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional O&M and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;
- (9) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

The following conditions shall apply to this schedule:

- (i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- (ii) No increment referred to in paragraph (i) shall exceed (1) year.
- (iii) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Public Works Director including, as a minimum,

whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress; the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than 1 year elapse between such progress reports to the Public Works Director.

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

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

- C. Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the User Permit of Users subject to such standards shall be revised to require compliance with such standard if they are more restrictive than the local limits developed by the POTW within the timeframe prescribed by such standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a User Permit as required by Section 160-84 the User shall apply for a User Permit within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard. In addition, the User with an existing User Permit shall submit to the Public Works Director, within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard, the information required by paragraphs (8) and (9) of Section 160-84.B. of this Article.

D. Permit Conditions:

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

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (2) Limits on the average and maximum wastewater constituents and characteristics. (permits must contain this item);
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization. (permits must contain this item);
- (4) Requirements for installation and maintenance of inspection and sampling facilities;
- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (6) Compliance schedules;
- (7) Requirements for submission of technical reports or discharge reports - See Section 160-84 of this Article (permits must contain this item);
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Town, and affording the Town access thereto. (permits must contain this item);
- (9) Requirements for notification of the Town for any new introduction of wastewater constituents or any substantial change in volume or character of the wastewater constituents being introduced into the sewer system (permits must-contain this item);
- (10) Requirements for immediate notification of slug discharges (permits must-contain this item);
- (11) Other conditions as deemed appropriate by the Town to ensure compliance with this ordinance; and
- (12) Statement of applicable remedies.

E. User Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The User shall apply for permit reissuance a minimum of 180 days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modification by the Town during the term of the permit as limitations or requirements as identified in Section 160-84 are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

F. User Permits are issued to a specific user for a specific operation. A User Permit shall not be reassigned or transferred or sold by the User to a new owner, new user, different premises, or a new or changed operation without the approval of the Town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit in the interim prior to the issuance of the respective new permit.

§ 160-85. Reporting Requirements for Permittee.

- A. Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the wastewater treatment facilities, any User subject to Pretreatment Standards and Requirements shall submit to the Public Works Director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. In addition, the report shall contain the results of any sampling and analysis of the discharge as specified in Article X Section 160-85.B.(2) below. This statement shall be signed by an authorized representative of the User, and certified to by a qualified professional.
- B. (1) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of such Pretreatment Standard or in the case of a New Source, after commencement of the discharge into the treatment works, shall submit to the Public Works Director during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Public Works Director, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported. At the discretion of the Public Works Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Public Works Director may agree to alter the months during which the above reports are to be submitted.
- (2) The Town may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph B.(1) of this section shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or Production and mass where requested by the Town, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the permit. All analysis shall be performed in accordance with procedures established by EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by EPA. Sampling shall be performed in accordance with the techniques approved by EPA. All samples analyzed by this method should be reported.

§ 160-86. Provision for Monitoring.

- A. When required by the Public Works Director, the owner of any property serviced by a building sewer carrying Class II wastewater discharges shall provide suitable access and such necessary meters and other devices in the building sewer to facilitate observation, sampling, and measurement of the wastewater. Such access shall be in a readily and safely accessible location and shall be provided in accordance with

plans approved by the Public Works Director. The access shall be provided and maintained at the owner's expense so as to be safe and accessible at reasonable times.

- B. The Public Works Director shall consider such factors as the volume and strength of discharge, rate of discharge, quantities of toxic materials in the discharge, treatment facility removal capabilities, and cost effectiveness in determining whether or not access and equipment for monitoring Class II wastewater discharges shall be required.
- C. Where the Public Works Director determines access and equipment for monitoring or measuring Class II wastewater discharges is not practicable, reliable, or cost effective, the Town may specify alternative methods of determining the characteristics of the wastewaters discharge which will, in the Public Works Director's judgment, provide a reasonably reliable measurement of such characteristics.
- D. Measurements, tests, and analyses of the characteristics of wastewater required by this Ordinance shall conform to 40 CFR, Part 136 and be performed by a qualified laboratory. When such analyses are required of a discharger, the discharger may, in lieu of using the Town's laboratory, make arrangement with any qualified laboratory, including that of the discharger, to perform such analyses.
- E. Fees for any given measurement, test, or analysis of wastewater required by this Ordinance and performed by the Town shall be the same for all classes of dischargers, regardless of the quantity or quality of the discharge and shall reflect only direct cost. Costs of analyses performed by an independent laboratory at the option of discharger shall be borne directly by the discharger.

§ 160-87. Costs of Damage.

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

ARTICLE XI - PRETREATMENT

§ 160-88. Wastewaters with Special Characteristics.

- A. While the Public Works Director should initially rely upon the Federal Categorical Pretreatment Standards to protect wastewater facilities or receiving waters, if any wastewater which contains substances or possesses characteristics shown to have deleterious effect upon the treatment works or treatment facilities, processes, equipment, or receiving waters, or constitutes a public nuisance or hazard, is discharged or is proposed for discharge to the wastewater sewers, the Public Works Director may require any or all of the following:
 - (1) Pretreatment by the user or discharger to a condition acceptable for discharge to the treatment works;
 - (2) Control over the quantities and rates of discharge;
 - (3) The development of compliance schedules to meet any applicable pretreatment requirements;

- (4) The submission of reports necessary to assure compliance with applicable pretreatment requirements;
 - (5) Carry out all inspection, surveillance, and monitoring necessary to determine compliance with applicable pretreatment requirements;
 - (6) Obtain remedies for noncompliance by any user. Such remedies may include injunctive relief, the civil penalties specified in Article XIV of this Ordinance, or appropriate criminal penalties; or
 - (7) Reject the wastewater if evidence discloses that discharge will create unreasonable hazards or have unreasonable deleterious effects on the treatment works or treatment facilities.
- B. When considering the above alternatives, the Public Works Director shall assure that conditions of the Town's permit are met. The Public Works Director shall also take into consideration cost effectiveness, the economic impact of the alternatives, and the willful noncompliance of the discharger. If the Public Works Director allows the pretreatment or equalization of wastewater flows, the installation of the necessary facilities shall be subject to review. The Public Works Director shall review and recommend any appropriate changes to the program, within (30) days of submittal.
- C. Where pretreatment or flow-equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner.

§ 160-89. Compliance with Pretreatment Requirements.

Persons required to pretreat wastewater in accordance with Section 160-88 above shall provide a statement, reviewed by an authorized representative of the User and certified by such representative indicating whether applicable pretreatment requirements are being met on a consistent basis and, if not, describe the additional operation and maintenance or additional pretreatment required for the User to meet the pretreatment requirements. If additional pretreatment or operation and maintenance will be required to meet the pretreatment requirements, the User shall submit a plan (including schedules) to the Public Works Director as described in Article X, Section 160-84.B.(9). The plan (including schedules) shall be consistent with applicable conditions of the Town's Permit or other local, State or Federal laws.

§ 160-90. Monitoring Requirements.

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

§ 160-91. Effect of Federal Law.

In the event that the Federal government promulgates a regulation for a given new or existing user in a specific industrial subcategory that establishes pretreatment standards or establishes that such user is exempt from pretreatment standards, such Federal regulations shall immediately supersede Section 160-88.A. of this article if they are more stringent.

§ 160-92. Certification.

All reports and permit applications must be signed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment

standards are being met on a consistent basis and if not, whether additional O&M and/or additional pretreatment is required to meet the pretreatment standards and requirements.

ARTICLE XII – PRIVATE SEWAGE DISPOSAL

§ 160-93. Permitted Private Sewage Disposal.

- A. Where public sewer is not available, availability determined by an accessible line within 500 feet of the residence, then the residence shall be permitted to be hooked up to a private sewer system. The type of system must be in conformity with all requirements set forth by the regulatory agencies of the State Department of Health. This applies also to the location and layout of the system. No private system shall discharge into any natural or drainage ditch.
- B. The owner shall operate and maintain the private system in a sanitary manner at all times at no expense to the Town.
- C. No statement contained herein shall interfere or be construed to interfere with any additional requirements that may be set forth by the State Department of Health.
- D. The Town of Grottoes will pump and dispose of all holding tank wastes within the service area of the public sewer. This will be done as part of the monthly service charge and done in amounts that can be stored in the treatment site holding tanks and can be introduced into the treatment process at an acceptable quantity. Other haulers or individuals wishing to dispose of septic or holding tank waste into the Grottoes treatment plant must first make application to the Town and adhere to all requirements in regard to quantity and characteristics of waste materials to be introduced into the treatment facility and must pay applicable fees and user charges. These requirements will be under the direction of the Town's authorized representative.
- E. No person or firm shall discharge any waste directly into a manhole or other opening in the public sewer, other than through the connection provided for the building. Any person or firm that shall be responsible for the introduction of sewage or waste through manholes or other means into the public sewer shall be guilty of a Class 1 Misdemeanor for each offense, plus any restitution that may be due to repairs or extra maintenance of the system.
- F. The Town will pump septic tanks for residence and businesses that are not on the wastewater treatment system, provided that:
 - (1) Property on which the septic tank is located is within the corporate limits.
 - (2) The owner of the septic tank utilizes one of the following two options:
 - (a) Have the tank uncovered to provide easy accessibility; or
 - (b) Install an approved septic tank lid at the owner's expense.
 - (3) If it becomes necessary for any tank to be pumped more than once within a twelve-month period, then said tank shall be deemed to be defective. This in no way limits the Town from using other factors to determine defectiveness.

- (4) If said tank is determined to be defective by an authorized agent of the Town, the owner will agree to have the system evaluated by the Rockingham County Health Department within 60 days.
 - (5) All tanks to be pumped must be inspected by an authorized agent of the Town.
 - (6) The Town of Grottoes will charge for providing this service in an amount set forth in Chapter A171, Fees.
- G. User charges of the sewer system will be subject to the same late charges and fees as users of the water system.
- H. In the event that any water meter proves to fail to register properly, the user charge shall be estimated based on the average water consumption of the user.

ARTICLE XIII - WASTEWATER SERVICE, CHARGES AND INDUSTRIAL COST RECOVERY

§ 160-94. Wastewater Service Charges.

Charges and fees for the use of the public treatment works and treatment facility shall be based upon the actual use of such system, or contractual obligations for a level of use in excess of current actual use. Property value may be used to collect the amount due as permitted by law.

§ 160-95. Industrial Cost Recovery.

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

§ 160-96. Determination of System Use.

- A. The use of the Town's sewer system and treatment facilities shall be based upon actual measurement and analysis of each user's wastewater discharge, in accordance with provisions of §160-86 to the extent such measurement and analysis is considered by the Public Works Director to be feasible and cost-effective.
- B. Where measurement and analysis is considered not feasible, determination of each user's use of the treatment works and treatment facilities shall be based upon the quantity of water used whether purchased from a public water utility or obtained from a private source, or an alternative means as provided by Section C below.
- C. The Public Works Director, when determining actual use of the Town's sewer system and treatment facilities based on water use, shall consider consumptive, evaporative, or other use of water which results in a significant difference between a discharger's water use and wastewater discharge. Where appropriate, such consumptive water use may be metered to aid in determining actual use of the treatment works and treatment facilities. The meters used to measure such water uses shall be of a type and installed in a manner approved by the Public Works Director. The actual average water use by each residential user (Class I) during the three months of January, February, and March shall be used as the

measure of each respective residential user's actual use of the sewer system throughout the year.

- D. All user charges shall be based on metered water sales and shall be as set forth in Chapter A171, Fees. (Amended 7-8-1996)

§ 160-97. Reduction in Bill for Eligible Residents. [Added 11-10-1987]

- A. The sewer bill for an eligible resident of the Town of Grottoes shall be reduced by a sum as set forth in Chapter A171, Fees, adopted by the Town Council, provided that the lot to which such bill applies shall contain a residential structure; that said structure shall, in fact, be the residence of the eligible resident; that said lot or structure shall not be used for any commercial purposes; and further that only one such reduction shall be allowed to any eligible resident per billing. (Amended 7-8-1996)
- B. For purposes of this chapter and section, the term "eligible resident" shall include any resident of Grottoes, Virginia, who is not less than 65 years of age and who has on file with the Grottoes Town Clerk an application of reduction of sewer bill on a form approved by the Grottoes Town Council.
- C. For purposes of this chapter and section, the term "commercial purposes" shall include any uses, activities, purposes or other undertakings for which a license is prescribed by Chapter 144 of the Code of the Town of Grottoes, whether or not such tax has actually been paid or demanded.

ARTICLE XIV - ENFORCEMENT

§160-98. Suspension of Permit.

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

§ 160-99. Termination of Service.

- A. Any person notified of a suspension of the wastewater treatment service and/or the User Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary, including immediate severance of the sewer connection and/or the seeking of legal and equitable relief in the circuit court, to prevent or minimize damage to the wastewater treatment facilities or endangerment to any individuals. The Town shall reinstate the User Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Town within 15 days of the date of occurrence.
- B. The Town or its representatives may make the determination to terminate service for the following, but are not limited to these reasons:

- (1) When materials damaging to the sewer lines or treatment process are released into the system causing deterioration of the lines or interfering with the treatment of wastewater or its conveyance.
 - (2) The effluent from the wastewater treatment plan is no longer of a quality permitted for discharge to a watercourse, and it is found that the user is delivering wastes to the wastewater system that cannot be sufficiently treated or require pretreatment.
 - (3) The user:
 - (a) Discharges wastewater that is in significant violation of the permit issued.
 - (b) Fails to pay user charges for public sewer services when due.
 - (c) Discharges prohibited waste into public sewer.
 - (d) Violates any requirement of this chapter.
- C. The Town or its representative will endeavor within reasonable limits to eliminate or remedy a violation without resorting to discontinuance of the service or revocation of the permit; however, if these efforts have been unsuccessful, the Town's representative is authorized to terminate service or revoke the permit.
- D. The Town's representative shall not revoke the permit or terminate to a user without first delivering to the user written notice of such action. The notice shall state the reasons and may allow for a reasonable period of time for the situation to be rectified.
- E. Nothing in this Article shall hinder the authorized representative from taking immediate action to terminate service to a user when there is an imminent risk to the system or the wastewater facility.

§ 160-100. Revocation of Permit.

Any user who violates the following conditions of this Ordinance, or applicable State and Federal regulations, is subject to having his permit revoked in accordance with the procedures of this Ordinance for:

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

§ 160-101. Notification of Violation.

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

§ 160-102. Show Cause Hearing.

- A. The Town may order any user who causes or allows an unauthorized discharge to show cause why the proposed enforcement action should not be taken. Such hearings shall be preceded by a notice being served on the user specifying the time and place of the hearing, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served

personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

B. The Public Works Director may conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the Town of Grottoes to:

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

C. At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the transcript costs.

D. After the Public Works Director has reviewed the evidence, he may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

§ 160-103. Legal Action.

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

§ 160-104. Penalties.

- A. Unless otherwise stated in the Grottoes Town Code, any person or user that violates the provisions of this ordinance or a user/discharge permit hereunder shall be subject to a penalty of \$1,000.00 per day and/or shall, upon conviction, be guilty of a Class 1 Misdemeanor for each day the violation continues.
- B. Each day, or portion thereof, a violation continues shall constitute a separate violation.

§ 160-105. Falsifying Information.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or User Permit, or who falsifies any monitoring device or method required under this ordinance, shall upon conviction, be guilty of a Class 1 Misdemeanor.