

VOLUME 2 – RULES AND REGULATIONS

Part A – Rules and Regulations

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VOLUME 2 - RULES AND REGULATIONS

Part A - Rules and Regulations

1. General Conditions

1.1 Introduction

The purpose of this Part is to establish rules and regulations for the Fauquier County Water and Sanitation Authority (hereinafter the "Authority") of Fauquier County, Virginia in accordance with Sections 15.1-1239 through 15.1-1270, inclusive of the Code of Virginia of 1950, as amended, and which are applicable to the public water and sanitary sewerage facilities now existing or which may, in the future, be under the jurisdiction of the Authority. This Part establishes the rules and regulations which govern the use of the public water and sanitary sewerage facilities when such utilities are proposed for use for residential, business, commercial, or industrial purposes within Fauquier County, Virginia.

Inquiry for information or clarification of any item herein pertinent to other matters concerning these facilities shall be directed to the Executive Director, Fauquier County Water and Sanitation Authority, 7172 Kennedy Road, Warrenton, Virginia 20187-3907.

1.2 Validity

If any section, subsection, sentence, clause, or phrase of these Rules and Regulations is for any reason held to be invalid, such decision shall not affect the validity of any other part of the rules and regulations which can be given effect without such invalid part of parts.

No statement or obligation contained in this Part shall be construed to interfere with any additional requirements which may be imposed by County Ordinances, Commonwealth of Virginia, Department of Health, or the Department of Environmental Quality. In accordance with applicable statutes of the Code of Virginia, the Authority may revise these rules and regulations as may be required by majority vote of the Authority.

In the event of any variance between the Rules and Regulations in this publication and applicable rules, regulations, and specifications of the State Department of Health or the Department of Environmental Quality, the rules, regulations, and specifications of said State agencies shall prevail unless more rigid requirements are dictated by these Rules and Regulations.

1.3 Definitions

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

- A. Advance Availability - shall mean any Availability purchased for any parcel of land within a Service Area, in advance of the Authority's extension of services into the Service Area.
- B. Applicant - shall mean any person or entity requesting water and/or sewer service from the Authority.
- C. Authority - shall mean the Fauquier County Water and Sanitation Authority or its authorized and/or delegated representative.
- D. Availability - The right of a subscriber to connect to the water and/or sewer system of the Authority upon payment of all applicable rates, fees and charges.
- E. Board - shall mean the Board of County Supervisors, the governing body of Fauquier County, Virginia.
- F. Commercial User - shall mean all non-residential users.
- G. Connection Fees - All fees appropriate to the class of service being provided, that shall be paid before full service is initiated, including, but not limited to Availability Fees, Permit Fees, Meter Fees, Review Fees, etc.
- H. County - shall mean the County of Fauquier, Virginia.
- I. Domestic Wastes - shall mean the water-carried liquid or solid wastes which are derived principally from residential dwellings and commercial buildings.
- J. Facilities of the Authority - shall mean any and all component and pertinent parts of the entire utility system of the water and sanitary sewerage facilities under the jurisdiction of the Authority, including but not limited to the County, or any public agency of Fauquier County, such as water mains and their appurtenances, water storage tanks, filtration or treatment facilities and pumping station, sewers and their appurtenances, sewage pumping stations and treatment plants, including these items and others now constructed, installed, leased, operated or maintained by the Authority, or any which may be leased, operated or maintained by the Authority, or any which may be approved and accepted in the future as additions or extensions of the systems.
- K. Industrial Wastes - shall mean the water-carried liquid or solid wastes from institutional establishments and industrial plant processes as distinct from Domestic Wastes.

- L. May is permissive, or conditional.
- M. Non-Potable or Raw Water - shall mean water classified as unsuitable for human consumption.
- N. Owner, Developer, or Subdivider - shall mean any person, firm, partnership, corporation, association, society or group owning or having an interest, whether legal or equitable, sole or partial, in any premise or tract, lot or parcel of land which is or may be in the future developed or subdivided.
- O. Person - shall mean any individual, firm, partnership, corporation, association, society, group, and unit of local, state or federal government.
- P. Potable or Finished Water - shall mean water classified as suitable for human consumption.
- Q. Premise - shall mean any building or group of buildings, or any tract, lot or parcel of land upon which buildings are to be constructed and which is or may be served by the Facilities of the Authority.
- R. Sanitary Sewerage Facilities - shall mean all facilities for the collection, pumping, transmission, treatment, and disposal of sewage or wastewater.
- S. Service Area - shall mean the territory included within the boundaries of each or all of the areas of Fauquier County designated by the Board of Supervisors as Service Districts in the Fauquier County Comprehensive Plan, or by such other Rules and Regulations as the Authority may adopt.
- T. Sewer Main or Sewer Line - shall mean a pipe or conduit for the collection and transmission of sewage or wastewater.
- U. Shall is mandatory.
- V. Subscriber - shall mean any person or entity connected to the water and/or sewer system of the Authority.
- W. Wastewater or Sewage - shall mean any combination of Domestic and Industrial Wastes together with any groundwater, surface water or storm water that may be present.
- X. Wastewater Treatment Plant or Sewage Treatment Plant - shall mean any arrangement of devices and structures used for the treatment of sewage or wastewater.

- Y. Water Filtration Plant or Water Treatment Plant - shall mean any arrangement of devices and structures used for the treatment and/or purification of non-potable or raw water.
- Z. Water Main or Water Line - shall mean a pipe or conduit for transmission or distribution of potable or finished water.
- AA. Waterworks or Water Facilities Improvements - shall mean all facilities for the treatment and/or purification of non-potable or raw water and the transmission, pumping, and distribution of potable or finished water.

2. Water and Sewer Services

2.1 General Policy

A. Easement Costs

Applicants at their sole expense shall be obligated to obtain any and all necessary easements and/or fee simple properties and pay all associated expenses, including but not limited to surveying, plat preparation, legal recordation and purchase costs for obtaining easements and/or fee simple properties which may be required from adjacent landowners to effect a physical connection of the Applicant's property to the dedicated facilities of the Authority. Said easements and/or fee simple property shall be dedicated in sufficient form to the Authority.

B. Lack of Capacity

No commitment of future service will be made by the Authority to an Applicant in an area where adequate flow and pressure or wastewater treatment capacity is not available in the system.

C. Prohibition on Free Service

The Authority will not provide free service to any user of the water and/or sewer systems, nor waive any fees normally charged to such users for service.

D. System Expansion

Nothing contained in these Rules and Regulations shall be construed to limit or prevent the Authority from extending or supplementing its facilities whenever it is determined that circumstances so warrant.

2.2 Mandatory Sewer Connections

The owner of any building or structure for which sewage disposal is required, and for which building permits for such building or structure are issued after April 20, 1982, shall be required to connect such building or structure to the public sewer, provided that said building or structure is within three hundred (300) feet of approved public or private sewer. In addition, if any privy system or individual sewage disposal or individual treatment system is found by the County health department to have become unsanitary or malfunctioning, it shall be unlawful for any person to replace, repair or clean any such system or any part thereof in any manner to improve its operating conditions if sewer service is within three hundred (300) feet of any building or structure which such privy or individual sewage disposal or individual treatment system served; provided, that it shall not be unlawful to make emergency repairs to clean out so as to permit use of the facilities pending connection to the public or private sewer, provided such connection is made in the most expedient manner and provided the health department is notified of

such connection or temporary repairs; and provided further that individual sewer disposal systems that serve property adjacent to a force main sewer line can be replaced, repaired or cleaned, notwithstanding that provisions hereof, subject to County health department approval. It is further provided that the owner of any building or structure for which sewage disposal is required and which is connected to public sewer shall not disconnect the building or structure from such public or private sewer. (Fauquier County Code, Section 17-5)

2.3 Mandatory Water Connections

The owner of any building or structure for which water is required, and for which building permits for such building or structure are issued after April 20, 1982, shall be required to connect such building or structure to the public water supply system, provided that said building or structure is within three hundred (300) feet of approved public water supply system. In addition, if any water system is found by the County Health Department to be polluted or not potable, it shall be unlawful for any person to replace or repair any water system or any part thereof in any manner to improve its operating conditions, if the public water supply system is within three hundred (300) feet of any building or structure which such water system served; provided, that it not be unlawful to make emergency repairs so as to permit use of the facility pending connection to the public water supply system, provided such connection is made in the most expedient manner and provided the health department is notified of such connection or temporary repairs. It is further provided that the owner of any building or structure for which water is required and which is connected to an approved public water supply system shall not disconnect the building or structure from such public water supply system. (Fauquier County Code, Section 19-18)

2.4 Connections When Utility Capacity is Available and Infrastructure Constructed

The Owners of all residential dwellings, commercial buildings, industrial plants, institutional establishments, structures, and properties used for human occupancy, business, employment, recreation or other purposes or those who have been directed by the Board of Supervisors of Fauquier County to obtain or provide central water or sewer service for their project or development, shall be required to:

- A. Request water and/or sewer service by application to the Authority on a prescribed form.
- B. Install suitable toilet, drain and other disposable liquid wastes facilities therein.
- C. Connect such facilities directly with the public sewer or water facility.

2.5 Connections When Utility Capacity is Available but Infrastructure Not Yet Constructed

The Developer of any new residence, subdivision or commercial or industrial site located where Authority owned and/or operated public water facilities and/or sanitary sewerage facilities are available shall be required to:

- A. Obtain one copy of these Rules and Regulations and Volume 5, Part A - Utility Standards of the Authority's *Operating Code*.
- B. Request both public water and sewer service by application to the Authority. The Authority will notify the Developer, within 30 calendar days of receipt of the application, as to whether or not the services requested can be provided.
- C. Construct, at the expense of the Applicant, water main or sewers as deemed by the Authority to be necessary, feasible or advisable to connect the applicable systems of the subdivision or development to the suitable facilities of the Authority. Regardless of whether the Authority decides to participate in the development, the plans and specifications of any proposed central water and sewer system shall be in conformance with these Rules and Regulations and Volume 5, Part A - Utility Standards of the Authority's Operating Code and subject to approval and subsequent construction inspection of the Authority.
- D. Complete a Developer's Agreement between the Applicant and the Authority, if deemed necessary by the Authority, detailing the financial responsibilities, location and details of necessary construction, deed transfers and easement considerations.
- E. Complete, subsequent to the construction of such facilities, transfer of ownership of the new facilities to become the property of the Authority.

2.6 Connections When Capacity and/or Source are Not Available

The Authority reserves the absolute right to impose specific and temporary limits on new connections to its water and/or wastewater systems when, from time to time and in its sole opinion, treatment capacity or source is limited. To correct this deficiency, the Authority may elect to enter into an appropriate Developer's Agreement for the construction of such additional capacity as needed, may elect to develop such capacity itself or may determine that such expansion of capacity is not in the best public interest.

2.7 Construction Planning and Funding Responsibilities

Where a developer, builder, contractor, or property owner requires and builds a water/sewer line extension or expansion of existing facilities to serve either residential or non-residential developments, the following shall apply:

- A. Said Applicant shall, at the time of filing, file therewith a preliminary detail statement of plans, specifications, potential number of customers, fixture counts, route, long term expansion plans and any other matters deemed to be helpful to the Authority, together with proof of financial responsibility and such other information as may be requested by the Authority, in order to secure estimates for the overall project cost.
- B. Applicants shall pay for the entire construction cost of all water/sewer line extensions for whatever size lines the Authority determines are necessary to serve the proposed development, but in no case less in size than six inches in diameter for water and eight inches in diameter for sewer.

2.8 Application for Service

A. Application Submittal

Application for services will be available at the Authority's Office, during business hours. These prescribed forms shall be completed and submitted to the Authority at least seven days before a new connection is desired to be made. Specific examples of forms and detailed processing procedures can be found in Volume 3, Part C - Developer Services Procedures of the Authority's Operating Code.

The Authority shall accept, review and render decisions on all applications for public water and/or sanitary sewer service to the Premises described in the applications from any persons who are owners, contract owners, legal representatives of the owners, or tenants of land within Fauquier County.

B. Application Information

Applications for water and/or sewer services shall be made on a form prescribed and furnished by the Authority for the purpose of such application. Each form shall be accompanied by any measurements, maps, drawings or other such data that will clearly establish and indicate the physical location of the Premise for which the application is submitted. If the proposed or physical location of the available service is known, it shall be indicated on the same map, drawing or data submittal. Drawings shall have a minimum scale as required in Volume 5, Part A - Utility Standards of the Authority's Operating Code.

Applications for industrial establishments shall also submit with their application written information regarding plant location, type of industry, raw and finished products, approximate magnitude of utility requirements, types of Industrial Wastes to be discharged, proposed facilities for pre-treatment of Industrial Wastes, and any other data pertinent to the industry's utility requirements.

C. Applications Requiring Construction

Where construction of water and/or sanitary sewerage facilities is required, the submittal requirements outlined in Volume 5, Part A - Utility Standards of the Authority's Operating Code shall be followed.

D. Right to Refuse Service

The Authority reserves the right to approve, revise and request additional data, design or other information, or to disapprove any service application or plans pertinent thereof, as the opinion or best interest of the Authority may determine.

2.9 Disposition of Applications

- A. On receiving a complete and conforming application for service, the Authority will approve, with or without revisions, or disapprove the application, within 45 days, to indicate the decision of the Authority and return one copy of each of the submitted items to the Applicant.
- B. The Applicant receiving a returned application marked with revisions shall conform strictly with the notations indicated thereon by the Authority.
- B. The procedures outlined in Volume 3, Part C - Developer Services Procedures and Volume 5, Part A - Utility Standards of the Authority's Operating Code will be followed for processing applications.

2.10 Emergency Reserve Capacity and Assignment

To ensure long term sustainability of the Authority's water supply facilities and to protect the public health, safety and welfare, the Authority may reserve public drinking water capacity within each of the Authority's existing water systems to serve existing structures, located on properties in that service district, which have failing or contaminated private drinking water wells and to support future transition of existing private well customers to the Authority's water system. Upon application from a landowner for new water service, where an existing structure is served by a private well, the Authority may sell availability from the reserved capacity subject to the following conditions:

- All other conditions and requirements of the Operating Code to receive service from the Authority are met, including the installation of all necessary connecting infrastructure to connect such property to the nearest public water main and the payment of all fees and charges required by the Authority.
- The Authority water system for that service district has not been issued any regulatory warning or notice of violation relating to capacity limitations within the preceding three years.

- Applicant obtains all required well abandonment approvals from all regulatory agencies and governmental entities, and agrees in writing to abandon the existing private well, and all water wells located on the property, within 60 days of the Authority's availability assignment. Applicant shall further agree in writing, that if the existing well is not abandoned within 60 days of availability assignment, that the Authority shall have the right to enter upon the property and to abandon the well or wells at the applicant's sole cost and expense.
- The Authority shall only assign reserved availability on an exchange basis. If the existing structure is a single-family residential dwelling, the Authority shall assign one equivalent residential connection to the property, regardless of the capacity of the well or wells being abandoned. If the existing structure is used for any other purpose, the Authority will calculate the capacity necessary to serve the existing structure at its current use and assign water capacity to the extent such capacity is reasonably available, in the sole discretion of the Authority, as part of the Authority's reserved water capacity.

3. Acquisition of Facilities

3.1 New Systems

A. Operating Guarantees

If the potential exists that the initial connections to the water and sewerage system are insufficient to support the operation and maintenance cost incurred by the Authority, the developer or owner shall provide such guarantees in the form of sureties or other negotiable instruments as agreed by both parties, to insure support of the operation and maintenance cost until sufficient connections are supporting the system.

B. Construction Standards

The builder, developer, or contractor shall install, at the sole expense of the Applicant, the water/sewerage facilities system, including meters, all to requirements of Volume 3, Part C – Developer Services Procedures and Volume 5, Part A - Utility Standards of the Authority's Operating Code and subject to approval of the Authority.

C. Construction Progress Inspections

During progress of the work, the Authority and/or its authorized representative, inspectors, or others who are directly concerned with the work shall have access to the locations of construction for the purpose of establishing to their satisfaction that the projects are being constructed to the Authority's requirements and in accordance with approved plans and specifications.

D. Final Inspections

At the completion of any construction project of water or sanitary sewerage facilities, the Developer or Owner responsible for construction shall notify the Authority in writing that the project has been completed.

- (1) Certificate of Completion - A Professional Engineer registered in the Commonwealth of Virginia shall seal and sign a letter certification stating that the facilities have been constructed in accordance with the approved plans and specifications and with these Rules and Regulations and Volume 5, Part A - Utility Standards of the Authority's Operating Code. The Developer's or Owner's letter of notifications shall be accompanied by the Engineer's letter of certification, all as-built plans, final specifications and other such data and addenda relative thereto as may be required by the Authority.

- (2) Field Inspection - On receipt of such notification of completion and as-built plans, and on written request of the Developer or Owner responsible for the construction, the Authority shall make a final comprehensive inspection of the completed facilities, including detailed examination of conformance of the work with the approved plans and/or specifications, alignment of sewers, infiltration, leakage, workmanship, operation of equipment, and other related items to the satisfaction and best interest of the Authority. The Developer or Owner or responsible representative shall accompany the authorized agent of the Authority and shall furnish whatever labor as may be necessary to conduct the final inspection.
- (3) Defects - Deficiencies which are found to exist during the inspection shall be pointed out to the Developer or Owner's representative. Subsequent to the inspection, the Developer or Owner will be furnished, in writing, a summary of the deficiencies found and corrections which are required. On notification that all such deficiencies have been corrected, the Authority will re-inspect all corrected work prior to approval of the facilities.

E. Approval of New Construction

The Authority will approve newly constructed water and sanitary sewer service facilities on satisfaction of the following conditions:

- (1) That all requirements of Volume 3, Part C – Developer Services Procedures of the Authority's Operating Code and the foregoing Sections 3.1 (A) through (D) have been fulfilled.
- (2) That, in the case of water mains, physical disconnection, by actual removal of any connecting mains, has been made from any and all other private systems.
- (3) That all matters relative to specific contracts between the Developer or Owner and the Authority are in order.
- (4) That payment has been made by the Developer or Owner of all fees relative to applications and inspections.

F. Waiver of Liens

The developer shall submit to the Authority a fully executed waiver of mechanics lien form signed by all contractors, subcontractors and suppliers who performed work or supplied material for the facilities.

G. Title Conveyance

The developer shall in good and sufficient form, free of encumbrances and at no cost to the Authority, convey fee simple title to the Facilities to the Authority with all requisite easements for the operation and maintenance of the facilities, by deed with General Warranty and English Covenants of Title, in accordance with Section 4-11 of the Fauquier County Subdivision Ordinance and the procedures and requirements detailed and found in Volume 3, Part C - Developer Services Procedures and in Volume 5, Part A – Utility Standards of the Authority's Operating Code.

H. Construction Warranty

The developer shall be responsible for and obligated to correct any deficiencies in the construction of the facilities for a period of one year from date of conveyance of the Facilities to the Authority by deed as above required.

I. Authority Ownership

Upon compliance with the above, the Authority shall thereafter supply, maintain, service, and operate said system and collect all fees from said system, and user chargers, according to its effective Volume 2, Part B -Schedule of Rates, Fees and Other Charges of the Authority's Operating Code.

3.2 Acquisition of Existing Systems

A. Policy

(1) General - From time to time, the Authority is asked to purchase existing water and/or wastewater systems within Fauquier County. In accordance with its charter, it is the policy of the Authority to acquire only those existing water and wastewater systems which will enhance the Authority's overall operation. As the construction and operation of existing systems may not be within Authority standards, the subsequent acquisition of these systems demands a more detailed evaluation and consideration than those systems built for and immediately assumed by the Authority. For favorable consideration, systems proposed for acquisition by the Authority will usually have the following characteristics:

- (a) They will be adjacent to or reasonably close to an existing Authority system to permit connection with only limited infrastructure construction.
- (b) They will not be an added financial burden to existing Authority customers.

- (c) Acquisition by the Authority will have the support of a majority of the current users of the system to be acquired.
 - (d) The new customers can and will pay the monthly operating and maintenance rates in effect for all of the Authority systems.
- (2) Specific - The following considerations will be used when evaluating system acquisitions:
- (a) Existing Infrastructure - The Authority will generally not pay for existing distribution or collection systems as these costs have already been recovered by the developer in the sale to individual property owners.
 - (b) Water Source - On a case-by-case basis and at its sole determination, the Authority will pay an amount determined by the Authority for capacity at an existing water source that exceeds the capacity required for the existing and potential customers served or to be served by such source.
 - (c) Treatment Capacity - On a case-by-case basis and at its sole determination, the Authority will pay an amount determined by the Authority for existing treatment capacity that exceeds the capacity required to serve the existing and potential customers of the system to be acquired.
 - (d) Availability Fees - In those cases where water source and/or treatment capacity of the system to be acquired is inadequate, the owner of the system may be required to pay or arrange for a payment that is adequate, in the opinion of the Authority, to reimburse it for capacity in the Authority's systems.
 - (e) Transaction Costs - Transaction costs (if any), including, but not limited to the Authority's consulting, legal, engineering and conveyance costs, will be borne solely by users and/or owner of the system to be acquired.

B. Approach

- (1) Acquisition Steps - While every acquisition is a unique process whose merits shall be individually evaluated, a number of steps are normally undertaken before an existing system will be accepted for ownership and operation by the Authority.
- (a) Identification - The initial phase of the acquisition strategy includes the evaluation of the existing system by the staff and/or outside consultants. This phase seeks to create an accurate picture of the

layout, sizing, condition, performance, and operating costs of the existing system. In addition, existing and required easements are identified. Finally, the cost to bring the system up to Authority standards is quantified.

(b) Negotiations - Agreement is reached between the system owner and the Authority for its acquisition during this phase. Also, during this phase, the cost to be borne by system owner, a Capital Deficiency Assessment (CDA) is identified.

(c) Closure and Administration - Final closure of the sale will require the exchange of fees, titles and deeds to land and equipment and the initiation of service to the area by the Authority.

(2) Right of Refusal - The Authority maintains an absolute right to refuse acquisition of any and all existing systems that, in its sole judgment, it determines are not suitable for connection to the Authority's systems or which would place a financial burden on the existing customers of the Authority's system.

C. Capital Deficiency Assessment

(1) Definition - A Capital Deficiency Assessment is a one-time charge to the current owner of a water and/or wastewater system being acquired by the Authority.

(2) Purpose - The purpose of the CDA is to pay for those capital investments which the Authority will be required to make to connect the system and to bring it up to Authority construction and operating standards.

(3) Payment Period - Capital Deficiency Assessments shall be paid in full at the time of system acquisition.

D. Investigation Costs

(1) Definition - Initial investigation costs shall include all anticipated costs required to obtain a reasonably accurate estimate and evaluation of the existing system. These costs may include, but are not limited to, staff evaluation time, flow testing, surveying, title search, legal opinion, professional engineering analysis, etc. During the identification phase of the acquisition process, the Authority and system owner will collectively identify the degree and method of investigation needed to obtain a true picture of the system. In addition, a cost cap will be agreed for these investigative services.

- (2) Responsibility - The owner of the system being proposed for acquisition pays all investigation costs. The Authority will make an attempt to accurately estimate such costs, but the system owner bears full responsibility for paying the actual costs and will agree to payment of these charges before an analysis will be undertaken by the Authority.
- (3) Refunds - Costs for the evaluation of an existing system are not refundable should the Authority elect not to, or is unable to, acquire the system. The cost of investigation may, however, be added to the Capital Deficiency Assessment should the Authority decide to proceed with the acquisition.

3.3 Freestanding Wastewater Treatment or Water Systems

- A. The Authority, in its sole discretion, will consider the operation and/or ownership of freestanding and/or alternate technology wastewater treatment facilities, in accordance with Volume 5, Part C – Community Wastewater System Standards and Volume 5, Part D – Community Water System Standards of the Authority’s Operating Code.
- B. Sewage collection systems connected to either freestanding and/or alternate technology wastewater treatment facilities will be considered for connection to the Authority’s public wastewater system in accordance with § 3.2 above, with the costs of connection to the system and the costs of demolition of the treatment facilities to be included in the calculation of the Capital Deficiency Assessment.
- C. Freestanding water systems and their related distribution infrastructure will be considered for connection to the Authority’s public water system in accordance with § 3.2 above, with the costs of connection to the system to be included in the calculation of the Capital Deficiency Assessment.
- D. The determination of whether a wastewater treatment facility or water system is considered to be freestanding shall be at the sole discretion of the Authority Board.

4. System Surcharges

4.1 Availability Surcharges

Where the Authority constructs facilities for public utility service and normal Availability Fees, as set forth and as revised from time to time, for capacity, treatment plant construction cost or water source costs are insufficient to pay for such extensions, the Authority may assess a surcharge to the cost of Availability for users of such extensions. Such surcharge shall be as fixed by the Authority's effective Volume 2, Part B - Schedule of Rates, Fees and Other Charges of the Authority's Operating Code and shall be sized to off-set the additional expense of system construction within this designated area.

A. Applicability

The additional availability charge shall be applicable to all users of the extended system and shall continue in effect until such extension is paid for and/or the Authority deems the revenues from the users of such extension to be sufficient to pay the installation costs of such extension.

B. System Limits

The Authority shall designate the infrastructure to which this provision shall apply prior to such line being placed in service.

C. Surcharge Determination

At such time, as part of a rate making process, the Authority shall determine the additional fee to be charged in such cases; and all Applicants of these facilities shall be charged the same amount so long as the additional Connection Charge herein set forth remains in effect. The additional Availability Fee shall be determined by considering the potential number of connections resulting from such new plant, the costs of the additional treatment capacity or water source required and other matters as the Authority may deem pertinent.

4.2 Usage Surcharges

Where the cost of operating and maintaining a water and/or wastewater system are significantly more costly than can be supported by the existing user rate structure, due to regulatory requirements, labor, material or power costs or other impacting requirements, the Authority shall designate that portion of the system impacted by such extraordinary costs and shall apply an additional surcharge to the customers served by this portion of the system. Such surcharge shall be as fixed by the effective Volume 2, Part B - Schedule of Rates, Fees and Other Charges of the Authority's Operating Code and shall be sized to off-set the additional expense of system operations within this designated area.

A. Applicability

The additional usage charge shall be applicable to all users of the extended system and shall continue in effect until such extension is paid for and/or the Authority deems the revenues from the users of such extension to be sufficient to pay the installation costs of such extension.

B. System Limits

The Authority shall designate the infrastructure to which this provision shall apply at the time the surcharge is imposed.

C. Surcharge Determination

At such time, as a part of a rate making process, the Authority shall determine the additional fee to be charged in such cases; and all Applicants of those facilities within the designated area shall be charged the same amount so long as the additional usage charge herein set forth remains in effect. The usage surcharge shall be determined by considering the additional cost of operating and maintaining the utility service in the designated system.

5. Use of Water Facilities

5.1 Withdrawal Prohibited Without Permit

Except as permitted in the Rules and Regulations of the Authority, or under conditions specifically approved in writing by the Authority, no persons shall withdraw any water from the water system of the Authority. All users shall first obtain a valid permit from the Authority allowing for said withdrawal of water from the systems.

5.2 Cross Connection and Backflow Prevention

The provisions of Volume 2, Part C - Cross-Connection Control Plan of the Authority's Operating Code shall apply.

5.3 Violations - Penalties

Any person violating the provisions of Section 5.1 and 5.2 herein shall be guilty of a misdemeanor punishable by fine not exceeding \$1,000 or by imprisonment not exceeding twelve months or by both such fine and imprisonment. Each day such violation continues shall constitute a separate offense. The Authority, in addition to other remedies may institute an appropriate action or proceeding, at law or in equity, to prevent violation or attempted violation, to restrain, correct and abate such violation or to prevent any act which would constitute such a violation of the provisions of Sections 5.1 and 5.2 herein.

5.4 Pressure and Continuity of Supply

The Authority will strive to provide, but cannot guarantee, a sufficient or uniform pressure, or an uninterrupted supply of potable water.

A. Storage

Customers are cautioned to maintain a sufficient water storage where an absolutely uninterrupted supply shall be assured, such as for steam boilers, domestic hot water systems, gas engines, etc.

B. Low Water Pressure

Where the system water pressure is lower than desired, the customer may install at his own expense a tank and/or booster pump with the appropriate backflow prevention as approved by the Authority.

C. High Water Pressure

Where the water pressure exceeds 80 psi the customer shall install at his own expense, a proper pressure regulating device to reduce the water pressure as

required by the applicable International Residential Code (IRC) and International Plumbing Code (IPC).

D. Water Hammer

The Authority reserves the right to require the Owner or customer to adjust, modify or remove from the Premise any quick opening or closing valve or other device, the operation of which results in any unreasonable fluctuation in the pressure of the system.

E. Service Interruptions

It is the intention of the Authority to provide advance notice of interruption of the water supply. Such notice, however, is only a courtesy and not a requirement. The Authority may shut off the water mains for the purpose of making connections, alterations, repairs, changes or for other reasons at any time. Subscriber's buildings shall have internal facilities and/or plumbing fixtures which will not be damaged if water mains are shut off without notice.

F. Water Rationing

The Authority may restrict the use of its potable water to reserve a sufficient supply as the public health and/or public welfare may, from time to time, require. The Authority shall have sole discretion in determining when such restrictions are required.

5.5 Public Fire Hydrants

- A. Indemnification - The Authority does not guarantee fire flow in its systems and shall not be responsible for, nor considered in any manner to be an insurer of persons or property against injury, loss or damage by fire, water, failure to supply water or pressure, or any other cause whatsoever.
- B. Restrictions - Except as provided in 5.5.C. below, water from any public fire hydrant shall not be used for construction purposes, sprinkling streets, flushing sewers or gutters, or for any purpose other than the fighting of fires by County authorized units, unless specifically permitted by the Authority for a particular circumstance. Upon written request, the Authority may install supplemental public fire hydrants at the sole expense of any interested person.
- C. Use – Except for authorized emergency service personnel, all fire hydrant water use shall be permitted on a temporary basis where a permanent water connection is not available, subject to the terms and conditions established in this Section 5.5. Any use of fire hydrants hereunder shall be subject to a permit and the permit may be revoked at any time by the Authority where the public health, safety and welfare may be jeopardized.

D. Hydrant Meter Permit – Any person seeking the use of water from any fire hydrant must submit an application to the Authority on the forms established by the Authority from time to time.

1. Scope – Upon approval of the application for temporary use of a fire hydrant, the Authority shall issue a Hydrant Meter Permit to the applicant, the “Permit Holder”. The Hydrant Meter Permit shall be specific to the applied for fire hydrant only. Water shall be delivered through an approved hydrant meter which complies with the Authority’s Utilities Standards Manual. Hydrants are designated to minimize the effects that large withdrawals can have on the water supply system as well as avoid neighborhood disruptions and possible safety hazards that usage may cause.

All commercial backflow assemblies must be tested yearly. Therefore, all hydrant meter rental units shall be returned to the Authority for renewal of the hydrant meter account and for annual backflow testing. Each yearly rental must be renewed within the month of the original rental period. Failure to return the hydrant meter assembly at the end of the rental period will be considered theft of Authority property.

2. Operation of Hydrant Meter – The Permit Holder shall be responsible for any damage to the hydrant, the hydrant meter, or any associated infrastructure due to improper use of the hydrant. Meters shall not be tampered with in any way and any attempt to divert service through unauthorized connection shall be grounds for revocation of the Hydrant Meter Permit. The revocation of any permit shall be the basis of denial of any future Hydrant Meter Permit request by the Permit Holder. Broken or damaged meters must be reported to and returned to the Authority immediately. The Permit Holder shall be responsible for all costs of any necessary repairs to the meter, which shall be paid prior to its reinstallation. All hydrant meters shall be affixed with an inspection tag for the calendar year which shall not be tampered with or removed by the Permit Holder. Any tampering with the tag or the hydrant meter shall be grounds for the immediate termination of the permit. An Operator must be on-site at all times while the meter is connected to a fire hydrant.
3. Meter Readings – The Permit Holder will be billed on a monthly cycle by the Authority for all water usage according to the published fee schedule. The Permit Holder is responsible for providing a picture of the meter register dial showing usage to the Authority by the 15th day of each month for billing. A failure to report monthly readings shall result in the forfeiture of the Hydrant Meter Permit and any sums held as Meter Deposit for the hydrant meter. Readings can be submitted to the Authority by the following methods:

- Email to customerservice@fcwsa.org
- Fax to (540) 347-7689
- Bring the hydrant meter into the Authority to be read

It is the responsibility of the Permit Holder to notify the Authority when the meter is not registering/recording the water usage. Any broken or leaking hydrant meter assembly shall be returned immediately to the Authority for repair.

4. Fees and Charges – All permitted hydrant meters shall be subject to the payment of fees, charges and deposits shown in Section 2.3.0 of Volume 2, Part B of this Operating Code.

Upon return of the hydrant meter assembly, deposits shall be refunded to the Permit Holder provided all of the following has occurred:

- Hydrant meter assembly has been returned in good working condition, with no excessive wear or damage.
 - Permit Holder has paid for any damaged and/or missing equipment.
 - All outstanding water usage and rental charges for the hydrant meter assembly have been paid in full by the Permit Holder.
5. Water Restrictions – In order to protect the water supply in times of emergency, all hydrant meters may be subject to immediate recall/return in the event of a Declaration of Drought Emergency under the Fauquier County Drought Ordinance.

No hydrant meter shall be used unless temperature are 35 degrees Fahrenheit or above and rising. When temperatures fall to 35 degrees Fahrenheit, the fire hydrant must be closed; the hydrant meter shall be disconnected from the hydrant and stored in an environment where temperatures are above 35 degrees Fahrenheit. Both the fire hydrant and hydrant meter can be damaged if used when temperatures are below freezing.

5.6 Discontinuation of Water Service

The Authority may discontinue water service five (5) days after written notification, delivered by regular first-class mail to the last known address of record of the customer. When water service to a customer has been terminated, other than for the temporary vacancy of a Premise, it will be renewed only after the condition, circumstances, or practices which caused the water service to be discontinued are corrected to the satisfaction of the Authority and upon payment of all charges due and payable by the customer in accordance with these Rules and Regulations and the effective Volume 2, Part B - Schedule of Rates, Fees and Other Charges of the Authority's Operating Code.

Discontinuing the supply of water to a Premise for any reason shall not prevent the Authority from pursuing any lawful remedy for the collection of monies due from the customer. The Authority may discontinue service for any of the following reasons:

A. Account Delinquency

For the non-payment of any accounts for water service, sewer service or for any fee or charge accruing under these Rules and Regulations and the effective Volume 2, Part B - Schedule of Rates, Fees and Other Charges of the Authority's Operating Code.

B. Tampering

For molesting or tampering by the customer, or others with the knowledge of the customer, with any meters, connections, service pipe, curb cock, seal, fixture, or any other appliance of the Authority controlling, regulating or protecting the customer's water supply.

C. Backflow Prevention

If a required backflow prevention device, as required by Volume 2, Part C – Cross Connection Control Plan of the Authority's Operating Code is not installed when such is required or if the device is inoperative, has been bypassed or removed or if a cross-connection exists on the premises.

6. Use of Sanitary Sewerage Facilities

6.1 Discharge Prohibited Without Permit

Except as permitted in the Rules and Regulations and/or Pretreatment Regulations of the Authority, or under conditions specifically approved in writing by the Authority, no persons shall discharge any wastewater or sewage into the sanitary sewerage systems of the Authority, or its tributaries. All users shall first obtain a valid permit from the Authority allowing for said discharge of wastewater or sewage.

6.2 Grease, Oil and Sand Traps

The provisions of Volume 5, Part A - Utility Standards of the Authority's Operating Code shall apply.

6.3 Pre-Treatment

The provisions of Volume 2, Part D - Pre-Treatment Regulations of the Authority's Operating Code shall apply.

6.4 Violations - Penalties

Any person violating the provisions of Section 6.1 through 6.3 herein shall be guilty of a misdemeanor punishable by fine not exceeding \$1,000 or by imprisonment not exceeding twelve months or by both such fine and imprisonment. Each day such violation continues shall constitute a separate offense. The Authority, in addition to other remedies may institute an appropriate action or proceeding, at law or in equity, to prevent violation or attempted violation, to restrain, correct and abate such violation or to prevent any act which would constitute such a violation of the provisions of Section 6.1 herein.

6.5 Measuring Devices

Subscribers of Authority Sewer services, but using private water supplies, shall be required to install a water meter, at their own expense, of a type and in a location approved by the Authority, to be used for sewer billing. Subscribers of Authority water services using irrigation watering systems and/or other outdoor only water use systems, may elect to install a water meter, at their own expense, of a type and in a location approved by the Authority, to be used as a subtraction meter for their sewer billing.

6.6 Discontinuation of Sewer Service

The Authority may discontinue sewer service five (5) days after written notification, delivered by regular first-class mail to the last known address of record of the customer. Discontinuation may involve the physical removal of the customer's service lateral connection to the Authority's collection system. When sewer service to a customer has been terminated, other than for temporary vacancy of a Premise, it will be renewed only

after the conditions, circumstances, or practices which cause the water service to be discontinued are corrected to the satisfaction of the Authority and upon payment of all charges due and payable by the customer in accordance with these Rules and Regulations and the effective Volume 2, Part B - Schedule of Rates, Fees and Other Charges of the Authority's Operating Code. Discontinuing sewer service to a Premise for any reason shall not prevent the Authority from pursuing any lawful remedy for the collection of monies due from the customer.

7. Service Connection Allocation Requirements

7.1 General

A. Availability Fee

An availability fee for each sewer availability and each water availability shall be paid by an applicant for service as payment for the right to connect to the Authority's sewer system and its water system. Where the Authority provides both sewer and water service, and both services are available for purchase, an applicant shall purchase both sewer and water availabilities at the same time to serve the applicant's property. An applicant may purchase only water availabilities where: (i) the applicant's property is served by a sanitary sewer system which complies with the ordinances of Fauquier County and has been approved by Fauquier County and the Fauquier County Health Department; or (ii) the water availability is restricted to use for an irrigation system. An applicant may purchase only sewer availabilities where the applicant's property is served by private water supply which complies with the ordinances of Fauquier County and has been approved by Fauquier County and the Fauquier County Health Department.

B. Availability Fee Determination

The Authority sells availability in Equivalent Meter Units (EMUs), or defined multiples thereof, where one residential connection is equivalent to one EMU, or 400 gallons per day of water usage on the maximum day, and 260 gallons per day of sewer usage on the average day.

Water usage shall be determined as the maximum daily quantity during a 24-hour usage period measured in gallons. The quantity of water used shall be calculated as the quantity of water registered by the water meter or meters measuring the entire flow to the premises.

Sewer usage shall be calculated as the average daily quantity during a 24-hour usage period measured in gallons. The quantity of sewage discharged into the public sewerage system shall be calculated as equal to the quantity of water registered by the water meter or meters measuring the entire water flow to the premises, less any water flows which are separately metered by the Authority, and which serve only appliances and/or facilities that are not connected to, or affect the public sewer in any manner.

All new single-family homes and townhomes shall be assigned one EMU per dwelling. For all other applications, the applicant shall provide documentation supporting the size of each water service connection and water meter, including a letter from the mechanical engineer stating the design flows and supporting calculations using fixture supply units according to Appendix E of the

International Plumbing Code, as the same is incorporated into the Uniform Statewide Building Code (USBC). Where uses may be subject to future expansion, Availability purchase shall address the five-year estimated needs of such use at a minimum. Applicants shall identify irrigation demands and other flows not returning to sanitary sewer.

The Executive Director or designee shall determine the Availability Fee for each premise taking into consideration (1) the typical consumption for same class of customers in the Authority's system; (2) the rated capacity of the required meter; (3) the comparable use data for like facilities connected to other public sewer and water systems; (4) the type of use or principal use; (5) the quantity and type of fixtures in proposed or existing plumbing systems; (6) or other factors as permitted by the Virginia Water and Waste Authorities Act.

C. Minimum Meter Size

The minimum meter size for any unit is 5/8" x 3/4".

D. Water Demand Charges

Supplemental Availability Fees shall be charged to and paid by an existing commercial or industrial customer when additional capacity is requested by the customer or required by the Authority after a review of the usage of the customer as provided in this section. The Executive Director shall, from time to time, evaluate existing industrial and commercial customer usage data and determine whether the customer's usage exceeds the limits of the Availability assigned to the customer and the need for the assignment of additional Availability to the customer's property, as well as the customer's payment of additional availability fees for the increased Availability, herein "Supplemental Availability Fees". Supplemental Availability Fees are calculated in EMUs and are based on either the change in meter size or the amount of Availability to be added to the customer's property by using EMUs used during the max day, less EMUs previously purchased. Supplemental Availability Fees shall be calculated using the current Availability Fee rates in effect at the time of the additional assignment. Customers identified as exceeding the applicable usage limits for the Availability assigned to their property or who consistently place high demands or a capacity burden on the Authority's water or sewer systems in excess of the Availability purchased may be required to pay Supplemental Availability Fees, regardless of whether a change in ownership of the property has occurred.

E. Availability Fee Payment

- (1) Availability Fee Payment, by cash, check, extension of credit terms, establishes the Applicant's right to connect to the Authority's water and/or sewer system for all related Availability assigned to the Applicant's parcel of land.

- (2) Availability Fee Payment, by the establishment of an escrow account or the posting of an irrevocable letter of credit, the Applicant's right to connect to the Authority's water and/or sewer system for only the EMUs of Availability drawn from the escrow account or against the irrevocable letter of credit. The Authority shall draw down 1/12th of the full payment amount every 90 days or on an accelerated schedule as the Applicant may direct in writing, until the full payment amount is received. However, in no event, shall the duration of the escrow account or irrevocable letter of credit exceed 36 months.

F. Advance Availability Fee Payment

- (1) Advance Availability Fee Payment, by cash or check, establishes the Applicant's right to connect all EMUs of Advance Availability for which Advance Availability Fees have been paid to the Authority's water and/or sewer system, upon completion of the Authority's extension of services into the Service Area in which the Applicant's property is located.
- (2) Advance Availability Fee Payment, by the establishment of an escrow account or the posting of an irrevocable letter of credit, establishes the Applicant's right to connect only the EMUs of Advance Availability drawn from the escrow account or against the irrevocable letter of credit to the Authority's water and/or sewer system, upon completion of the Authority's extension of services into the Service District for which the Advance Availability was purchased. The draw down schedule and duration for the escrow account or irrevocable letter of credit shall be negotiated by separate agreement between the Applicant and the Authority on a case-by-case basis.

G. Availability Fee Extension of Credit Terms

The Authority will only extend credit terms to individuals with existing homes where the drain field or well has failed, for the payment of Availability Fees. Such credit will not exceed 48-months at an interest rate in accordance with its effective Volume 2, Part B - Schedule of Rates, Fees, and Other Charges of the Authority's Operating Code.

H. Availability Reservation

Availability is assigned on a first come, first serve basis. However, the Authority reserves the right to limit the assignment of Availability when in its sole determination, the safety of the system, economy of operation or public health so warrants.

I. Availability Assignment

Availability is designated for and tied to a specific parcel of land and is not transferable. Said parcel(s) shall be located within the boundaries of the respective Service Areas.

Where a parcel of land with assigned Availability is to be subdivided, or its boundaries adjusted, availability shall be assigned only to the resultant property or properties, as determined by the property owner subject to approval of the Authority. Where resulting properties have different owners, assignment shall require approval of all affected property owners.

J. Connection Period

Availability gives the Applicant a right to connect a specific property owned by the Applicant to the Authority's water and/or sewer system upon demand within the first 60 months following the date of purchase of the Availability. After 60 months:

- At the sole discretion of the Authority, the Authority has the option but not the obligation, to discontinue its assignment of any unconnected Availability by the refund of the original Availability Fees, paid at assignment, to the then property owner. Where there is no Authority record of the original Availability Fees paid, the Authority may exercise its right to discontinue assignment by estimating the original Availability Fees based on available records.
- If the Authority does not exercise its right to discontinue assignment, and availability is not currently for sale by the Authority in the Service District, a property owner may enter into a written agreement with the Authority to simultaneously relinquish any unconnected Availability to the Authority, without refund or compensation, and purchase new Availability assigned to another property in the Service District if the following conditions are met:
 - The Property Owner shall have maintained controlling ownership interest in the property from which the Availability is relinquished for the 60 months immediately prior to agreement execution and shall have controlling ownership interest in the property to which the newly purchased Availability is assigned.
 - Amount of new Availability purchased shall not exceed the amount of unconnected Availability relinquished.
 - All existing unconnected Availability from the original property shall be relinquished.

- Owner shall pay the current Availability Fees and Availability Fee Surcharges (if applicable) in effect at time of Agreement execution for assignment of new Availability.

K. Non-Refundability

Effective January 1, 1997, Availability Fees are not refundable. However, the Authority will refund without interest, within 30 days from the date the Authority authorizes the refund, 90% of any unconnected EMUs of Availability for which Availability Fees were paid prior to January 1, 1997.

L. Purchase Timing

An Applicant may pay Availability Fees at any time but shall be paid in full prior to the Authority's approval for a building permit release.

M. Base Service Fees

Monthly Base Service Fees are charged for each EMU Of assigned Availability, beginning upon receipt of the Availability Fee. Monthly Base Service Fees are charged to each EMU of Advance Availability upon completion of the Authority's extension of services into the Service Area in which the Applicant's property is located. Monthly Base Service Fees are not refundable.

N. Availability Default

The Authority will remove without reimbursement, its assignment of Availability if the Applicant is in arrears of the Base Service Fee in excess of ninety days. Once removed, Availability may be reassigned to a parcel only through the payment of new Availability Fees at the then existing rates.

O. Relinquishing Unconnected Availability

The Applicant may, at their discretion upon execution of the necessary release forms and with the concurrence of the Authority, relinquish all or a portion of their unconnected assignment of Availability without reimbursement, further cost or obligation to the Authority.

P. Relinquishing Connected Availability

The Applicant may, at their discretion upon execution of the necessary release forms and with the concurrence of the Authority, disconnect all of or a portion of their connected assignment of Availability from the system and with field verification that no continued connection exists, relinquish all or a portion of their

connected assignment of Availability without reimbursement, further cost or liability to the Authority.

7.2 Single-Family Residential

- A. Except as specifically restricted in Section 7.1 D above, the entirety of Section 7.1 shall apply to single-family residential properties, including townhouses.
- B. All single-family residential units on the same parcel and under the same ownership may be served by one meter sized in accordance with Table 3-C-3 of Volume 3, Part C - Developer Services Procedures of the Authority's Operating Code.
- C. Each single-family residential unit on the same parcel but under different ownership shall be individually metered.
- D. The Authority may permit installation of a 3/4-inch or 1-inch water meter for a single-family residence equipped with a fire sprinkler system per NFPA 13D without requiring additional Availability assignment.

7.3 Commercial

- A. The entirety of Section 7.1 and 7.2 shall apply to commercial properties.
- B. Apartment buildings, condominiums, and other multi-family properties are classified as commercial properties for purposes of the allocation of water/sewer service and billing. Each individual apartment building is required to have one master water meter for the entire building. The meter will be used for purposes of tracking water usage and for billing the owner of the building for water and sewer service. The owner of the apartment building or condominium will be billed monthly for water and sewer service to the building and will be fully responsible for payment.
- C. Other commercial properties will require at least one water meter for each building or for each parcel whichever is greater. The total number of meters and the respective sizes for each commercial property will be determined by the Authority using available data, professional judgment and Table 3-C-3 of Volume 3, Part C - Services Procedures of the Authority's Operating Code. The owner of each commercial building will be billed monthly for water and sewer service to the building and will be fully responsible for payment.
- E. Each commercial building on a parcel shall be separately metered.

Allocation Examples

Note: The following table provides examples of the minimum number of individual water meters required to serve each parcel of land as defined by the Fauquier County Tax Maps. At least one meter is required for each parcel to be served. Meter size is as determined by Table 3-C-3 of Volume 3, Part C - Services Procedures of the Authority's Operating Code.

Unit Type	Minimum Meter Requirements
1. Single Family Dwelling (SFD)	1 meter
2. SFD + Guest Cottage	1 meter
3. SFD + Any commercial building	1 meter for house + 1 meter for each commercial building
4. Apartment Complex	1 meter per building
5. Townhouses	1 meter per townhouse
6. Condominiums	1 meter per building
7. Shopping Center	1 meter per building

8. Oversizing Policy

8.1 Definition

Applicants may be required to build infrastructure or facilities sized in excess ("oversizing") of the immediate needs of their specific subdivisions or projects, but in accordance with the requirements of Master Planning or other considerations determined by the Authority.

8.2 Authority Actions

The Authority may, at the request of the Applicant:

A. Reimbursement Authority

Reimburse the Applicant for the excess costs resultant from required "oversizing";

B. Developer's Agreement

Execute a Developer's Agreement with the applicant, specifying the terms and conditions of the oversizing agreement.

C. Incremental Costs

Reimburse the Applicant only for the incremental costs of the additional capacity created as verified by invoices and supporting documentation.

D. Proportional Reimbursement

Reimburse only a proportional share of Availability Fee revenues resulting from actual sales of the additional capacity created in the designated area to be served.

E. Ten Year Limitation

Continue reimbursement for a period of no longer than ten years after the infrastructure has been deeded to the Authority or until full repayment of the oversizing has been obtained.

VOLUME 2 – RULES AND REGULATIONS

Part B – Schedule of Rates, Fees and Other Charges

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VOLUME 2 - RULES AND REGULATIONS

Part B - Schedule of Rates, Fees and Other Charges

1. Definitions
 - 1.1 Applicant - shall mean any person or entity requesting water and/or sewer service from the Fauquier County Water and Sanitation Authority (hereinafter the "Authority").
 - 1.2 Availability - the right of a subscriber to connect to the water and/or sewer system of the Authority upon payment of all applicable rates, fees and charges.
 - 1.3 Availability Fees are charges that applicants pay to:
 - A. share in the costs of the existing active water and wastewater systems; and
 - B. share in the costs of retiring that portion of the existing water and wastewater systems that is inactivated as a result of new demands for service; and
 - C. pay the full costs of future capital improvements to the systems required to serve new customers.
 - 1.4 Availability Fee Surcharges are charges that applicants pay where the Authority constructs facilities for public utility service and Availability Fees, are insufficient to pay for such extensions. The surcharge is assessed in addition to the charge of an Availability Fee to users of such extensions and is calculated to off-set the additional expense of system construction.
 - 1.5 Base Service Fees are charges that are assessed to all customers to whose property the Authority has assigned Availability and can presently provide service. Customers pay these to:
 - A. share in the fixed operating costs of the systems, effective upon receipt of their Availability Fees; and
 - B. pay the costs of billing and collecting bills from customers.
 - 1.6 Usage Fees are charges that customers who are connected to and are using the system pay to share in the variable operating costs of the water and sewer systems on a per thousand-gallon basis. Sewer customers will be charged based on their metered water usage.
 - 1.7 Water Demand Charges are a flat fee that is added on to the monthly bill of any customer/account whose monthly water usage exceeds twice the adopted average monthly water consumption for the usage category associated with the size of the meter on the

customer's water service. The fee is charged in accordance with the Chart in Section 2.5 herein.

- 1.8 Penalties on Delinquent Accounts are charges that pay for the expenses of processing overdue accounts and are assessed on unpaid accounts that are remaining unpaid after the bill's or invoice's due date, typically the twentieth (20th) of the month following the mailing the bill or invoice.
- 1.9 Interest is charged to recoup interest income lost by the Authority and are assessed on accounts that are:
 - A. over sixty (60) days past due; and
 - B. shall be charged an interest penalty on a percentage (%) per year on the overdue unpaid principle.
- 1.10 Termination/Reconnection Charges are assessed on accounts that have had their service interrupted for default of payment. Since the Authority is billed by the Town of Remington for its Termination/Reconnection expenses or incurs additional direct overhead expenses when services are Terminated/Reconnected, these charges must be paid in full before service is restored.
- 1.11 Returned Check Fees are assessed for each check returned to the Authority for any reason, to cover the extra costs to the Authority and the charges imposed by the banks.
- 1.12 New Account Fees are charges for the overhead of establishing new billing accounts and are assessed for:
 - A. each new water or sewer account initiation of service; or
 - B. change of owner or tenant; or
 - C. any other such reason that requires a billing change.
- 1.13 Water Service Deposits are monies which guarantee payment for services previously received in the event a renter/lessee moves and are collected prior to the initiation of service to either residential rental or commercial accounts but are not required of owner/applicants.
- 1.14 Sewer Service Deposits are monies which guarantee payment for services previously received in the event a renter/lessee moves and are collected prior to the initiation of service to either residential rental or commercial accounts but are not required of owner/applicants.
- 1.15 Construction Meter Deposits are monies which guarantee the return and/or repairs of the Authority's construction meters and are assessed to any applicant requiring a construction

meter (generally temporary or bulk purchases) and shall not be returned until a final inspection has been conducted to insure all work requirements are met.

- 1.16 Meter Installation Fees are assessed to any applicant for meters installed up to five (5) working days from receipt of payment.
- 1.17 Rush Meter Installation Fees are assessed to any applicant requiring meters to be installed in less than five (5) working days from receipt of payment.
- 1.18 Return Installation Fees are assessed when a meter installation has been called for but, upon inspection, the site is determined not to be ready for a meter installation. These fees must be paid in advance of any subsequent meter installation.
- 1.19 Meter Replacement Fees are assessed when a meter has been replaced at the request of the Subscriber.
- 1.20 Meter Test Fees are assessed for any subsequent tests of a Subscriber's meter after its initial test has been performed.
- 1.21 Subscriber - shall mean any person or entity connected to the water and/or sewer system of the Authority.
- 1.22 Unauthorized Water/Sewer Use Fees are assessed to any person or other legal entity who shall use water from or discharge sewerage into any Authority system in any manner without prior authorization of the Authority or without payment of the required charges for its services.

In addition, separate fees shall be charged for each day, or portion thereof, that the unauthorized service has occurred. Examples of unauthorized uses to be charged under these fees shall include but not be limited to:

- A. the diversion of water for any unauthorized use.
- B. the use of water in such a manner as to circumvent a water meter designed to measure the amount of water used.
- C. the wastage or loss of water as a result of any tampering with an Authority water system or from any unauthorized repairs to the system.
- D. the discharge of wastes prohibited without permit as described in Part A, Section 6.1 of the Authority's Rules and Regulations.
- E. the discharge of wastes at any unauthorized point of the Authority sewer systems (such as manholes or cleanouts) so as to circumvent quantitative or qualitative measurements.

- F. the discharge of wastes into the Authority sewer systems in a manner that circumvents pre-treatment requirements.
 - G. the discharge of wastes at any unauthorized point of the FCWSA sewer system (such as manholes or cleanouts) so as to circumvent quantitative or qualitative measurements.
- 1.23 Septage Hauler's Fees are assessed on a per gallon basis to anyone bringing sewerage collected outside of the Authority's infrastructure to the Authority's facilities for treatment.
- 1.24 Copies of the Authority's Rules and Regulations and Utility Standards Manual are sold for the cost of their reproduction to any applicant.
- 1.25 Preliminary Development Plan/Plat Review Fees are assessed to any applicant requiring the Authority's review and/or approval of any plans submitted to it and are charged to recover the associated costs of said services.
- 1.26 Construction Plan Review Fees are assessed to any applicant requiring the Authority's review and/or approval of any construction plans submitted to it and are charged to recover the associated costs of said services.
- 1.27 Final Subdivision Plat Review Fees are assessed to any applicant requiring the Authority's review and/or approval of any final subdivision plat submitted to it, as part of the approval process for the County of Fauquier and are charged to recover the associated costs of said services.
- 1.28 Plan/Plat Re-Review Fees are assessed whenever the Authority's initial round of review comments are not adequately incorporated into a subsequent submittal of revised plans/plats, or changes have been made to plans/plats after approval and are charged to recover the extraordinary costs of said re-review.
- 1.29 Inspection Fees are assessed to any applicant requiring the Authority's inspection of any construction and includes the first inspection and one re-inspection.
- 1.30 Re-Inspection Fees are assessed whenever an inspection has been called for but, upon inspection of the site, is determined not to be ready, for any inspection subsequent to the first inspection and first re-inspection. These fees must be paid in advance of any subsequent re-inspections.

2. Schedule of Rates, Fees, and Other Charges

2.1 Availability Fees

METER SIZING AND FEES

Required Meter Size (i)	Availability Fees	
	Water	Sewer
5/8" x 3/4"	\$11,120	\$14,000
Full 3/4" (3/4")	\$16,680	\$21,000
One Inch (1")	\$27,800	\$35,000
One & One Half (1 1/2")	\$55,600	\$70,000
Two Inch (2")	\$88,960	\$112,000
Three Inch (3")	\$194,600	\$245,000
Four Inch (4")	\$333,600	\$420,000

(i) Availability Fees for meter sizes greater than four inches (4") are determined on an individual basis. The customer and the Authority will enter into a separate agreement, which establishes the applicable Availability Fees for the capacity made available to their particular account.

2.2 Route 29 Sewer System – Sewer Availability Fee Surcharge (in addition to Availability Fees)

Required Meter Size (ii)	Surcharge
	Sewer
5/8" x 3/4"	\$4,000
Full 3/4" (3/4")	\$6,000
One Inch (1")	\$10,000
One & One Half (1 1/2")	\$20,000
Two Inch (2")	\$32,000
Three Inch (3")	\$70,000
Four Inch (4")	\$120,000

(ii) Availability Fee Surcharge for meter sizes greater than four inches (4") are determined on an individual basis. The customer and the Authority will enter into a separate agreement, which establishes the applicable Availability Fee Surcharge for the capacity made available to their particular account.

2.3 Marshall Water System - Water Availability Fee Surcharge
(in addition to Availability Fees)

Required Meter Size (iii)	Surcharge - Water
5/8" x 3/4"	\$3,250
Full 3/4" (3/4")	\$4,875
One Inch (1")	\$8,125
One & One Half (1 1/2")	\$16,250
Two Inch (2")	\$26,000
Three Inch (3")	\$56,875
Four Inch (4")	\$97,500

(iii) Availability Fee Surcharges for meter sizes greater than four inches (4") are determined on an individual basis. The customer and the Authority will enter into a separate agreement, which establishes the applicable Availability Fee Surcharges for the capacity made available to their particular account.

2.4 Base Service Fees

Meter Size	EMUs	Water – Monthly Base Service Fee (Effective Dates)				
		10/01/2022	10/01/2023	10/01/2024	10/01/2025	10/01/2026
Single-Family Residential						
All	1	\$22.24	\$23.57	\$24.87	\$25.61	\$26.38
Multi-Family and Nonresidential						
5/8"x3/4"	1	\$22.24	\$23.57	\$24.87	\$25.61	\$26.38
Full 3/4"	1.5	\$33.36	\$35.36	\$37.31	\$38.43	\$39.58
1"	2.5	\$55.60	\$58.93	\$62.17	\$64.04	\$65.96
1.5"	5	\$111.19	\$117.86	\$124.35	\$128.08	\$131.92
2"	8	\$177.91	\$188.59	\$198.96	\$204.93	\$211.08
3"	17.5	\$389.18	\$412.53	\$435.22	\$448.27	\$461.72
4"	30	\$667.16	\$707.18	\$746.08	\$768.46	\$791.52
<p>The schedule above represents monthly Base Service Fees based on current EMUs of Availability assigned by meter size. For customers who purchased more EMUs than required above, and who have maintained the additional Availability Assignment through Monthly Base Service Fee payments, monthly Base Service Fees will be billed based on the total number of EMUs Assigned.</p>						

Meter Size	EMUs	Sewer – Monthly Base Service Fee (Effective Dates)				
		10/01/2022	10/01/2023	10/01/2024	10/01/2025	10/01/2026
Single-Family Residential						
All	1	\$25.99	\$25.99	\$25.99	\$26.77	\$27.58
Multi-Family and Nonresidential						
5/8"x3/4"	1	\$25.99	\$25.99	\$25.99	\$26.77	\$27.58
Full 3/4"	1.5	\$39.00	\$39.00	\$39.00	\$40.17	\$41.37
1"	2.5	\$64.99	\$64.99	\$64.99	\$66.94	\$68.95
1.5"	5	\$129.98	\$129.98	\$129.98	\$133.88	\$137.89
2"	8	\$207.97	\$207.97	\$207.97	\$214.21	\$220.64
3"	17.5	\$454.93	\$454.93	\$454.93	\$468.58	\$482.64
4"	30	\$779.88	\$779.88	\$779.88	\$803.28	\$827.37
<p>The schedule above represents Monthly Base Service Fees based on current EMUs of Availability assigned by meter size. For customers who purchased more EMUs than required above, and who have maintained the additional Availability Assignment through Monthly Base Service Fee payments, monthly Base Service Fees will be billed based on the total number of EMUs Assigned.</p>						

2.5 Usage Fees

Water Usage Fees

Meter Size	Water Usage Rate Tier (Monthly Usage in 1,000s of gallons)			
	Tier 1	Tier 2	Tier 3	Tier 4
Single-Family Residential				
All	0 – 3	3 – 6	6 – 18	Over 18
Multi-Family and Nonresidential				
5/8" x 3/4"	0 – 3	3 – 6	6 – 18	Over 18
Full 3/4"	0 – 4.5	4.5 – 9	9 – 27	Over 27
1"	0 – 7.5	7.5 – 15	15 – 45	Over 45
1.5"	0 – 15	15 – 30	30 – 90	Over 90
2"	0 – 24	24 – 48	48 – 144	Over 144
3"	0 – 52.5	52.5 – 105	105 – 315	Over 315
4"	0 – 90	90 – 180	180 – 540	Over 540
<p>The schedule above represents monthly Tier assignment based on current EMUs of Availability assigned by meter size. For customers who purchased more EMUs than required above, and who have maintained the additional Availability Assignment through Monthly Base Service Fee payments, monthly Base Service Fees will be billed based on the total number of EMUs Assigned.</p>				

Tier	Water Usage Rate per 1,000 gallons (Effective Dates)				
	10/01/2022	10/01/2023	10/01/2024	10/01/2025	10/01/2026
1	\$5.94	\$6.29	\$6.64	\$6.84	\$7.04
2	\$8.90	\$9.44	\$9.96	\$10.26	\$10.56
3	\$13.36	\$14.16	\$14.94	\$15.38	\$15.85
4	\$17.81	\$18.88	\$19.91	\$20.51	\$21.13

Sewer Usage Fees

Uniform Rate	Sewer Usage Rate per 1,000 gallons (Effective Dates)				
	10/01/2022	10/01/2023	10/01/2024	10/01/2025	10/01/2026
	\$11.57	\$11.57	\$11.57	\$11.92	\$12.27

Increased residential water demands during the summer months may be a result of irrigation or other outdoor water usage that does not enter the sanitary sewer system. For residential customers receiving sewer service from FCWSA where metered water service is provided by FCWSA, Buckland Water and Sanitation Assets Corporation in Vint Hill, or by the Town of Remington, sewer usage is seasonally adjusted as follows:

May – September. Sewer usage is charged based on the lower of actual metered consumption or the average December – February monthly consumption plus 2,000 gallons. For all new residential customers that have not established a December – February average consumption, sewer volume charges will be capped at the lesser of actual consumption or 9,000 gallons.

No seasonal sewer usage adjustment will be made for customers with a submeter, nonresidential customers, or customers using a private water source.

2.6 Unmetered Service

Unmetered single-family residential water and/or sewer customers will be charged based on 5/8" x 3/4" meter size and 7,000 gallons per month usage. All other unmetered water and/or sewer customers will be charged based on 5/8" x 3/4" meter size and 7,000 gallons per month usage per availability assigned.

2.7 Large Meter Service

All rates, fees, and charges for customers with meter sizes greater than four inches (4") are determined on an individual basis. The customer and the Authority will enter into a separate agreement, which establishes all rates, fees, and charges for the services provided.

2.8 Other Service

All rates, fees, and charges for customers receiving service other than water or sewer service are determined on an individual basis. The customer and the Authority will enter into a separate agreement, which establishes all rates, fees, and charges for the services provided.

2.9 Penalty on Delinquent Accounts

A penalty of ten percent (10%) is charged on the principal amount of all delinquent accounts when such amounts become past due.

2.10 Interest on Delinquent Accounts

Interest at the rate of twelve percent (12%) per annum is charged monthly on the unpaid principal balance due over sixty (60) days.

2.11 Termination/Reconnection Charges \$75.00

2.12 Returned Check Fee \$25.00

2.13 New Account Fees \$25.00

2.14 Water Service Deposit \$150.00

2.15 Sewer Service Deposits \$150.00

2.16 Construction Meter Deposits The then current cost of the meter, as may be adjusted from time to time

2.17 Meter Installation Fees \$90.00 plus the then current cost of the meter, as may be adjusted from time to time

2.18 Rush Meter Installation Fees \$270.00 plus the then current cost of

the meter, as may be adjusted
from time to time

2.19	<u>Return Installation Fees</u>	\$90.00
2.20	<u>Meter Replacement Fees</u>	\$90.00 <u>plus</u> the then current cost of the meter, as may be adjusted from time to time
2.21	<u>Meter Test Fees</u> (after first test)	\$100.00
2.22	<u>Unauthorized Water/Sewer Use Fees</u> (initial charge) (additional daily charges)	\$500.00 \$500.00
2.23	<u>Septage Hauler's Fees</u>	\$20 plus \$0.08 per gallon
2.24	<u>Copies of Authority Rules and Regulations</u>	\$5.00
	<u>Copies of Authority Utility Standards Manual</u>	\$15.00
2.25	<u>Preliminary Development Plan/Plat Review Fees</u> (to be paid at time of preliminary plan submission)	
A.	Review Fee (per submission)	\$200.00
	<u>PLUS</u> \$0.10 per linear foot of water line; and \$0.20 per linear foot of sewer line.	
2.26	<u>Construction Plan Review Fees</u> (to be paid at time of Final Construction Plan Submission)	
A.	Review (per submission)	
	<i>Minor</i> – by-lot review (fee per lot <u>up to five residential lots</u>)	\$75.00
	<i>Major</i> – All submissions will be based on total length of pipe until the plan has been approved. Once the plan has been approved, if revision to an approved plan is submitted the fees are based on the revised lengths of pipe.	
	\$0.35 per linear foot of water line	\$250.00 minimum charge
	\$0.45 per linear foot of sewer line	\$250.00 minimum charge

Note: All commercial and industrial projects will be assessed Major level fees, regardless of the number of lots in the project.

B. Community Water and/or Wastewater Systems Engineering Review

(1) Engineering Review Fees for Treatment, Pumping, and/or Storage Components \$1,500.00

(2) The *Major* Review Fees, as detailed above, will be assessed for the review of the collection and conveyance and distribution system portions of Community Water and/or Wastewater Systems

C. Mechanical Facilities

In addition to the Review Fees, as detailed above, Plan Review Fees of \$100.00 per sheet will be assessed for the review of all mechanical, structural, or electrical drawings.

2.27 Final Subdivision Plat Review Fee

A. Review Fee (per submission) \$100.00

PLUS \$50 per plat sheet and \$0.20 per linear foot of any addition, deletion, revision, or any other modification of the Authority's Utility Easement

2.28 As-Builts Fee

To ensure consistency and quality within and among surveys and record drawings, the Authority has engaged one or more firms to conduct this work, under the direction of the Authority's staff. A fee for this service is collect from the applicant and must be paid prior to the work receiving the status of beneficial use. The as-built fee is calculated based on the following linear footage of water and/or sewer main installed. There is a minimum charge per project of \$1,000.00.

A. Water Lines - \$1.20 per linear foot (as may be adjusted from time to time)

B. Sewer Lines - \$1.80 per linear foot (as may be adjusted from time to time)

This program is not employed for treatment, pumping or storage facilities at community systems. For these facilities, the developer's engineer will conduct the as-built survey and prepare record drawings subject to the review and approval by the Authority.

2.29 Inspection/Re-Inspection Fee

A. Minor Water \$20.00 per service connection
(fee per lot up to five residential lots)

B. Minor Sewer \$20.00 per service connection
(fee per lot up to five residential lots)

C. Water Lines - \$2.00 per linear foot OR \$200.00 minimum charge per project, whichever is greater; PLUS \$20.00 per service connection

D. Sewer Lines - \$3.00 per linear foot OR \$300.00 minimum charge per project, whichever is greater; PLUS \$20.00 per service connection

E. Community Water and/or Wastewater Systems

(1) Treatment, Pumping, and Storage Component Inspection Fees will be charged at the rate of 2.5% of the approved bond amount for the facilities being inspected

(2) The *Major* Inspection/Re-Inspection Fees, as detailed above, will be assessed for the inspection of the collection and conveyance and distribution system portions of Community and/or Wastewater Systems

2.30 Hydrant Meter Fees

A. Meter Deposit: \$2,000

B. Monthly Rates: Hydrant Meter Accounts are established as water-only accounts equivalent to a Full 3/4" water meter including Base Service Fees, and all Hydrant Meter Usage is billed at the Tier 3 Water Usage Rate.

C. Miscellaneous Charges

1. Inspection Fee - \$20.00

2. Failure to report monthly reading - \$500.00

3. Late payment fee is the same as the Authority's domestic customer accounts.

3. Fee History
- 3.1 Minutes 01/23/90 Continued Availability Fee/Non-User Fee - (reserved availability): \$12.50/mo. - Water and \$15.00/mo. - Sewer (per EMU). Effective 02/01/91.
- 3.2 Minutes 06/26/90 Water Availability Fee: from \$3,000 to \$5,000. Effective 07/01/90.
- 3.3 Minutes 10/23/90 Sewer Availability Fee: from \$3,300 to \$6,500. Effective 11/01/90.
- 3.4 Minutes 02/22/94 Section 2.8 rewritten; new Section 3.0 added. Revised Schedule of Rates, Fees and Other Charges, Water Availability Fee: from \$5,000 to \$4,400 and Sewer Availability Fee: from \$6,500 to \$6,000. Effective 07/01/94.
- 3.5 Minutes 06/27/95 Section 2.8 renumbered as Volume 2, Part A, Section 4. Section 3.0 renumbered as Volume 2, Part B. Revised Schedule of Rates, Fees and Other Charges. Effective 07/01/95.
- 3.6 Minutes 12/23/97 Revised Schedule of Rates, Fees and Other Charges, establishing gallon Usage Limits and Supplemental Availability Fees. Effective 01/01/98.
- 3.7 Minutes 06/27/00 Revised Schedule of Rates, Fees and Other Charges, reducing the Water Base Service Fees by \$2.00 per month. Effective 07/01/00.
- 3.8 Minutes 08/22/00 Revised Schedule of Rates, Fees and Other Charges, establishing Sewer Availability Fee Surcharges for the Route 29 Sewer System. Effective 08/22/00.
- 3.9 Minutes 06/25/02 Revised Schedule of Rates, Fees and Other Charges, reducing the Water and Sewer Base Service Fees by \$1.44 per month and establishing a Plan Re-Review Fee of \$100 per plan sheet. Effective 07/01/02.
- 3.10 Minutes 07/28/04 Revised Schedule of Rates, Fees and Other Charges, increasing Review Fees, Re-Review Fees, Inspection Fees and Re-Inspection Fees and adding Community Wastewater Systems to the review and inspection schedules. Effective 08/01/04.
- 3.11 Minutes 03/22/06 Revised Schedule of Rates, Fees and Other Charges, increasing Water Availability Fees from \$4,400 to \$5,800, Sewer Availability Fees from \$6,000 to \$11,000, and Usage Limits. Effective 03/22/06.
- 3.12 Minutes 01/24/07 Revised Schedule of Rates, Fees and Other Charges, establishing Base Service Fee and Usage Fee Surcharges for the customers of the

- Marshall Water System. Effective 04/01/07.
- 3.13 Minutes 02/28/07 Revised Schedule of Rates, Fees and Other Charges, deleting Usage Limits, establishing Water Demand Charges, increasing the average monthly water usage from 6,000 to 7,000 and correspondingly increasing the related Water Base Service Fee. Effective 03/01/07.
- 3.14 Minutes 10/23/07 Revised Schedule of Rates, Fees and Other Charges, increasing the Route 29 Sewer Availability Fee Surcharge by \$500 per EMU. Effective 10/23/07.
- 3.15 Minutes 06/24/08 Revised Schedule of Rates, Fees and Other Charges increasing Base Service Fees and Usage Fees by 6%, adjusting the Marshall Water System Surcharges and various administrative fees as costs have dictated. Effective 07/01/08.
- 3.16 Minutes 06/23/09 Revised Schedule of Rates, Fees and Other Charges increasing Water Base Service Fees and Usage Fees by 4% with corresponding adjustments to the Water Demand Charges and increasing Sewer Base Service Fees and Usage Fees by 11% to offset Chesapeake Bay Regulatory Requirements. Effective 07/01/09.
- 3.17 Minutes 06/22/10 Revised Schedule of Rates, Fees and Other Charges increasing Water/Sewer Base Service Fees and Usage Fees by 10% with corresponding adjustments to the Water Demand Charges. 5% of the increase is to offset Chesapeake Bay Regulatory Requirements. In addition, a New Final Subdivision Plat Review Fee is being established to offset legislative requirements. Effective 07/01/10. Finally, Water Availability Fees are increased from \$5,800 to \$6,500 and Sewer Availability Fees from \$11,000 to \$13,500 also to offset Chesapeake Bay Regulatory Requirements. Effective 07/11/10.
- 3.18 Minutes 06/28/11 Revised Schedule of Rates, Fees and Other Charges increasing Water/Sewer Base Service Fees and Usage Fees by 3% with corresponding adjustments to the Water Demand Charges. In addition, Sewer Availability Fees were raised from \$13,500 to \$14,000 to offset the expense associated with having to refinance the WWTP improvements to comply with the Chesapeake Bay Regulatory Requirements. Effective 07/01/11.
- 3.19 Minutes 01/28/14 Revised Schedule of Rates, Fees and Other Charges increasing Water Availability Fees from \$6,500 to \$8,900, Water and Sewer Service Deposits, Construction Meter Deposits, Meter Installation Fees, Meter Replacement Fees, and Meter Test Fees, effective 02/01/14.
- 3.20 Minutes 05/27/14 Revised Schedule of Rates, Fees and Other Charges increasing

Water/Sewer Base Service Fees, Usage Fees and Water Demand Charges, effective 07/01/14.

- 3.21 Minutes 06/30/15 Revised Schedule of Rates, Fees and Other Charges increasing Water/Sewer Base Service Fees, Usage Fees and Water Demand Charges, effective 07/01/15.
- 3.22 Minutes 08/25/15 Revised Schedule of Rates, Fees and Other Charges suspending the Water Demand Charge and the Marshall Water System Base Service Fee Surcharge and Usage Fee Surcharge, effective 09/01/15.
- 3.23 Minutes 07/07/16 Revised Schedule of Rates, Fees and Charges increasing Water/Sewer Base Service Fees, Usage Fees and Water Demand Charges, effective 07/01/16.
- 3.24 Minutes 10/25/16 Revised Schedule of Rates, Fees and Charges increasing the Water Availability Fees and revising all Plan/Plat Review Fees and removing As-Built Fees.
- 3.25 Minutes 10/31/17 Revised Schedule of Rates, Fees and Other Charges for Hydrant Meters, effective 10/31/17
- 3.26 Minutes 06/30/20 Revised Schedule of Rates, Fees and Other Charges, effective 07/01/20
- 3.27 Minutes 06/29/21 Revised Schedule of Rates, Fees and Other Charges, effective 07/01/21
- 3.28 Minutes 06/30/22 Revised Schedule of Rates, Fees and Other Charges, effective 10/01/22

VOLUME 2 - RULES AND REGULATIONS

Part C - Cross-Connection Control Plan

1. Introduction

A cross-connection is defined as "Any physical arrangement whereby a public water supply is connected, directly or indirectly with any other water supply system; sewer; drain; conduit; pool; storage reservoir; plumbing fixture, or other device which contains or may be capable of imparting contamination to the public water supply as the result of changeable devices and other temporary or permanent devices through which or because of which backflow could occur are considered to be cross connections." Consequently, either cross-connections or the change of backflow must be eliminated to prevent degrading the high quality of water that water purveyors strive to maintain.

Cross-Connection Control Programs, as administered by water purveyors, are relatively new to Virginia. Initially, the primary responsibility for safeguarding water quality on private property was left to local health agencies and building and inspection departments. Then, beginning with the Safe Drinking Water Act, signed by President Ford on December 16, 1974, a chain of laws and regulations evolved that resulted in the State requirement, (Waterworks Regulations Commonwealth of Virginia), for all the public water systems to have a Cross-Connection Control Program.

In compliance with this mandate, the following is the Fauquier County Water and Sanitation Authority (hereinafter the "Authority") policy regarding Cross-Connection and Backflow Prevention.

We urge you to acquaint yourself with the policies and information presented in this plan. It is only through the education and commitment of persons like yourself that we can control the hazards presented by cross-connections within our public drinking water supply. The Authority stands behind this policy and its enforcement and will offer its assistance to all who share the responsibility of safe water.

2. Overview

2.1 Purpose

The purpose of this Policy is to protect the public potable water supply of the Authority from the possibility of contamination. To promote the elimination or control of existing cross-connections, actual or potential, between its customers' implant plumbing fixtures and industrial piping and the public water supply; and to provide for the maintenance of a continuing program of cross-connection control and backflow prevention which will systematically and effectively prevent the contamination of the potable water distribution system. More exactly, the Policy is intended to prevent delivered water, (water that has passed beyond the public water system and into the private distribution systems of consumers), from re-entering the public distribution system and being subsequently delivered to consumers, and to allow persons, active in piping design and installation, to incorporate and install appropriate backflow prevention devices correctly.

2.2 Causes of Backflow

The causes of backflow cannot usually be eliminated completely, since backflow is often initiated by accidents or unexpected circumstances. However, some causes of backflow can be partially controlled by good design and informed maintenance. Listed below are the major causes of backflow as outlined under the two types of backflow - backsiphonage and backpressure.

A. Backsiphonage

Backsiphonage is caused by reduced or negative pressure being created in the supply piping. The principal causes of backsiphonage are:

1. Line repair or break which is lower than a service point. This will allow negative pressures to be created by water trying to flow to a lower point in the system.
2. Undersized piping; if water is withdrawn from a pipe at a very high velocity, the pressure in the pipe is reduced and the pressure differential created can cause water to flow into the pipe from a contaminated source.
3. Lowered pressure in water main due to high water withdrawal rate such as fire fighting; water main flushing; or water main breaks.
4. Reduced supply main pressure on the suction side of a booster pump.

B. Backpressure

Backpressure may cause backflow to occur where a potable water system is connected to a non-potable system of piping, and the pressure in the

non-potable system exceeds that in the potable system. The principal causes of backpressure are:

1. Booster pump systems designed without backflow prevention devices.
2. Potable water connections to boilers and other pressure systems without backflow prevention devices.
3. Connections with another system which may at times, have a higher pressure.
4. Water stored in tanks or plumbing systems which by virtue of their elevation would create head, sufficient to cause backflow if pressure were lowered in the public system.

3. Responsibility

3.1 Cross-Connection Control Program

The responsibilities of the Authority's Cross-Connection Control program in accord with the Commonwealth of Virginia/State Board of Health "Waterworks Regulations" are as follows:

- A. It is the responsibility of the purveyor to establish or cause to be established and operate a Cross-Connection Control and Backflow Prevention Program consistent with the extent of the system and the type of consumer served. This program shall include at least one designated individual who shall be responsible for the inspection of the waterworks for cross-connection and backflow prevention control. The Authority's Water Leader shall be the individual charged with these duties. This program shall be carried out in accordance with the Uniform Statewide Building Code and shall be a continuing program. As required by the Virginia "Waterworks Regulations", the following questionnaires are completed and reviewed every three years.
- B. Certified plans for fire service connections and extensive lawn or irrigation systems served by waterworks and other facilities requiring approved backflow prevention devices, shall be submitted to the water purveyor prior to construction. The water purveyor shall review the plans and advise if the plans are approved or disapproved. If disapproved, the designer and the purveyor shall consult with the Virginia Department of Health for a determination of what will be approved. The revised design shall be resubmitted for additional reviews. Only after final approval by the water purveyor, will it be permissible to proceed with the final construction. All plans should be submitted to the purveyor with sufficient copies for the purveyor to forward an approved copy to the Virginia Department of Health.
- C. It shall be the duty of the purveyor to have thorough inspections and operational tests made annually of backflow prevention devices or low pressure cut-off devices which are required and installed. Where storage facilities are provided, it is suggested that at least one sample per month be tested to verify that the water remains of satisfactory bacteriological quality. Copies of results of these inspections and tests shall be kept on file and made available to the Virginia Department of Health. The devices shall be repaired, overhauled, or replaced when needed. Nothing in this section shall prevent the purveyor from installing and operating approved devices or making repairs.
- D. The water purveyor may deny or discontinue the water service to a consumer if the required backflow prevention device is not installed. If it is found that the device(s) has been removed or bypassed or if a cross-

connection exists on the premises, or if the pressure in the waterworks is lowered below 10 psi gauge, the purveyor shall take positive action to ensure that the waterworks is adequately protected at all times. Water service to such premises shall not be restored until the deficiencies have been corrected or eliminated in accordance with these Regulations and to the satisfaction of the purveyor.

3.2 Customers

The customer's responsibility starts at the point of delivery from the public potable water system and includes all of his water systems. The customer, at his own expense, shall install, operate, test and maintain approved backflow prevention devices as directed by the Authority. The customer shall maintain accurate records of tests and repairs made to backflow prevention devices and provide the Authority with copies of such records. The records shall be on forms approved or provided by the Authority. In the event of accidental pollution or contamination of the public or consumer's potable water system due to backflow on or from the customer's premises, the owner shall promptly take steps to confine further spread of pollution or contamination within the customer's premises, and shall immediately notify the Authority.

3.3 Backflow Prevention Device Installers

The installer's responsibility is to make proper installation of backflow prevention devices in accordance with the manufacturer's installation instructions and any additional instructions approved by the Authority.

The installer is also responsible to make sure a device is working properly when it is installed, and is required to furnish the following information to the Authority immediately after a reduced pressure principle backflow preventer (RP), double check valve assembly (DCVA) or pressure vacuum breaker (PVB) is installed:

- A. Service address where device is located
- B. Owner
- C. Description of device's location and size
- D. Date of installation
- E. Type of device
- F. Manufacturer
- G. Model number
- H. Serial number

All RP, DCVA, and PVB are required to be tested following installation by a Certified Backflow Prevention Device Technician, as defined in Section 5.

4. Inspections

4.1 Frequency

Due to changes in models or components of equipment, methods of manufacturing and additions to plants, buildings, etc., water use requirements undergo continual change. As a result, new cross-connections may be installed and existing protection may be bypassed, removed, or otherwise ineffective; therefore, an annual detailed inspection of the customer's premises by the Authority is required.

4.2 Proposed Constructions

All new construction plans and specifications shall be reviewed by the Authority to determine the degree of possible cross-connections hazard. At this time, backflow prevention requirements in accordance with this policy will be made.

4.3 New and Existing Facilities

In order to determine the degree of hazard to the public potable water system, a survey will be made of the consumer's presently installed system. This survey need not be confined to establishing the water uses on the premises, the existence of cross-connections, and the availability of auxiliary or used water supplies. Onsite inspections are made of new and existing facilities and should any devices or plumbing changes be required, a follow-up inspection will be made of the same facilities at a later date.

5. Definitions

- A. Air-Gap-Separation a physical separation between the free-flowing discharge end of a potable water supply and an open or non-pressure receiving vessel. An approved air-gap separation shall be a distance of at least two (2) times the diameter of the supply pipe measured vertically above the top rim of the vessel - with a minimum distance of one (1) inch.
- B. Approved accepted by the Authority as meeting an applicable specification of the Authority and accepted by the Virginia Department of Health in accordance with Title 32.1, Chapter 6, Article 2 of the Code of Virginia entitled "Public Water Supply".
- C. Auxiliary Water Supply any water supply on or available to the premises other than the purveyor's approved public potable water supply. These auxiliary waters may include water from a private non-potable water supply or any natural source(s) such as a well; spring; river; stream; harbor; etc., or "used waters" or "industrial fluids". These waters may be contaminated or they may be objectionable, and constitute an unacceptable water source over which the water purveyor does not have sanitary control.
- D. Backflow the flow of water or other liquids, mixtures, or substances under pressure into the distribution pipes of a potable water supply system from any source or sources other than its intended source.
- E. Backflow Prevention Device any effective device, method of construction used to prevent backflow into a potable water system. The type of device used should be based on the degree of hazard, either existing or potential.
- F. Backflow Prevention Device - Approved a device that has met the requirements of one or more of the following standards:
- | | | |
|-----|------------|---|
| (1) | AWWA-C-506 | Reduced Pressure Principle and Double Check - (RP) & (DCVA) |
| (2) | ASSE-1001 | Atmospheric Vacuum Breakers - (AVB) |
| (3) | ASSE-1011 | Hose Bibb Vacuum Breakers - (HBVB) |
| (4) | ASSE-1013 | Reduced Pressure Principle Device - (RP) |
| (5) | ASSE-1015 | Double Check Valve Assembly - (DCVA) |
| (6) | ASSE-1020 | Pressure Vacuum Breakers - (PVB) |

- (7) ASSE-1024 Dual Check Backflow Preventer (Residential Use Only) - (DCBP)
- (8) USE-FCCC University of Southern California Foundation for Cross-Connection Control and Hydraulic Research

- G. Backpressure any elevation of pressure in the downstream piping system (by pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of consideration which would cause or tend to cause, a reversal of the normal flow.
- H. Backsiphonage a form of backflow due to a reduction in system pressure which causes a negative or sub-atmospheric pressure to exist at a site in the water system.
- I. Certified Backflow Prevention Device Technician a person who has proven his competency to the satisfaction of the Authority's Cross-Connection Control Personnel. The technician who is certified to make competent tests or to repair, overhaul and make reports on backflow prevention devices, shall be conversant with applicable laws, rules and regulations. The technician shall have attended and successfully completed a certification program for Backflow Prevention acceptable to the Authority. The technician will be required to provide the Authority with a copy of his/her certificate.
- J. Contamination an impairment of the quality of the potable water by any solid, liquid, or gaseous compounds or mixtures to a degree which would create an imminent danger to the public health, or would create an unacceptable taste, odor, or color to the potable water.
- K. Cross-Connection any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other non-potable water or industrial fluids of questionable safety, through which, or because of which, backflow or backsiphonage may occur into the potable water system. A water service connection between a public potable water distribution system and a customer's water distribution system which is cross- connected to a contaminated fixture, industrial fluid system or with potentially one type of cross-connection. Other types of cross-connections include connectors such as swing connections; removable sections; four-way plug valves; spools; dummy sections of pipe; swivel or change-over devices; sliding multiport tube; solid connections; etc.

- L. Double Check Valve Assembly (DCVA) an assembly composed of two single, independently acting, check valves, including tightly closing shut-off valves located at each end of the assembly. A valve that is "drip-tight" in the normal direction of flow when the inlet pressure is one psi and the outlet pressure is zero. The check valve shall permit no leakage in a direction reverse to the normal flow. The closure element (e.g., clapper) shall be internally weighted or otherwise internally loaded to promote rapid and positive closure and suitable connections for testing the watertightness of each check valve.
- M. Dual Check Valve Assembly (DCVA) an assembly composed of two single, independently acting check valves, particularly suited for installations immediately downstream from residential water meters where potential pollutants from residences could enter the water mains, or on service lines to self-draining yard hydrants (ASSE approval required).
- N. Hazard - Degree of a qualification of what potential and actual harm may result from cross-connections within a water-using facility. The word "severe" as used to qualify "Health Hazard" means a hazard to the health of the user that could reasonably be expected to result in significant morbidity or death. Establishing the degree of h a z a r d is directly related to the type and toxicity of contaminates that could feasibly enter the public water supply system and is determined by the Authority.
- O. Hazard - Health any condition, device, or practice in a water system or its operation that creates or may create, a danger to the health and well-being of users.
- P. Hazard - Pollution a condition through which an aesthetically objectionable or degrading material not dangerous to health, may enter the public water system or a potable consumer's water system.
- Q. Hazard - System a condition posing an actual or potential threat of damage to physical properties of the public water system or a potable consumer's water system.
- R. Industrial Piping System - Consumer's any system used by the consumer for transmission of or to store any fluid, solid or gaseous substance other than an approved water supply. Such a system would include all pipes; conduits; tanks; receptacles; fixtures; equipment and appurtenances to produce, convey or store substances which are or may be polluted or contaminated.
- S. Point of Delivery/Service Connection the point at which the Consumer's Potable System is connected to the Public Potable System.
- T. Point of Use the point(s) where water is being taken from the Consumer's Potable System.

- U. Reduced Pressure Principle Backflow Preventer (RP) a device containing within its structure a minimum of two independently acting approved check valves, together with an automatically operating pressure differential relief valve located between the two check valves. The first check valve reduces the supply pressure, a predetermined amount so that during normal flow and at cessation of normal flow the pressure between the check valves shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to atmosphere, shall operate to maintain the pressure between the check valves less than the supply pressure. The unit shall include tightly closing shut-off valves located at each end of the device. Each device shall be fitted with properly located test cocks. (RP, RPP and RPZ are all acceptable abbreviations for this device.)
- V. Vacuum Breaker - Atmospheric Type (AVB) an approved device consisting of a check valve and an air inlet to relieve a vacuum. It shall effectively shut off the reverse flow of water when a negative pressure exists on the supply side of the device.
- W. Vacuum Breaker - Pressure Type (PVB) a pressure vacuum breaker is similar to an atmospheric vacuum breaker except that the checking unit "poppet valve" is activated by a spring. This type of vacuum breaker does not require a negative pressure to react and can be used on a pressure side of a valve.
- X. Water Purveyor the owner or operator of the public potable water system supplying an approved water supply to the public. The utility shall be one that is operating under a valid permit from the Virginia Department of Health. As used herein, the terms water purveyor and the Authority may be used simultaneous.
- Y. Water System - Consumer's Potable that portion of the privately owned potable water system lying between the point of delivery and point of use. This system will include all pipes; conduits; tanks; receptacles; fixtures; equipment and appurtenances used to produce, convey, store or use potable water.
- Z. Water System - Public Potable any publicly or privately-owned water system operated as a public utility under a valid health permit to supply water for domestic purposes. This system will include all sources, facilities and appurtenances between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment and appurtenances used to produce, convey, treat or store a potable water for public consumption or use.
- AA. Water- Used any water supplied by a water purveyor from a public potable water system to a customer's water system after it has passed through the point of delivery.

6. Cross-Connection Hazards and Required Protection

6.1 Facilities

- A. Type of Backflow Protection Required - An approved backflow prevention device of the type designated, shall be installed on each water service connection to the following types of facilities. This list is presented as a guideline and should not be construed as being complete.

Abbreviations used are as follows:

AG	Air Gap Separation
AVB	Atmospheric Vacuum Breaker
DCVA	Double Check Valve Assembly
PVB	Pressure Vacuum Breaker
RP	Reduced Pressure Principle Backflow Preventer

B. <u>Type of Facility Protection</u>	<u>Minimum Typical</u>
1. Brewery, Distillery, Bottling Plant.....	DCVA
2. Buildings over three stories	RP
3. Car Wash with recycling system and/or adductor	RP
4. Chemical Plant	RP
5. Dairy	DCVA
6. Dentist Office	RP
7. Exterminating Companies (Pesticides)	PVB
8. Fertilizer Plant.....	RP
9. Film Laboratory	RP
10. Food or Beverage Plant	DCVA
11. Hospital, Clinics, Medical Building.....	RP
12. Irrigation System.....	PVB

13. Laboratory	RP
14. Laundry or Dry Cleaning Plant	RP
15. Machine Tool Plant (Health or System Hazard)	RP
16. Machine Tool Plant (Pollution Hazard)	DCVA
17. Metal Processing Plant (Health or System Hazard)	RP
18. Metal Processing Plant (Pollution Hazard).....	DCVA
19. Metal Plating Plant.....	RP
20. Morgue or Mortuary	RP
21. Nursing Home.....	RP
22. Packing House	RP
23. Petroleum Storage Yard (Health or System Hazard)	RP
24. Petroleum Storage Yard (Pollution Hazard)	DCVA
25. Pharmaceutical or Cosmetic Plant	RP
26. Power Plant	RP
27. Restaurants (Health or System Hazard)	RP
28. Restaurants (Pollution Hazard)	DCVA
29. Sand and Gravel Plant	DCVA
30. School (Health or System Hazard)	RP
31. School (Pollution Hazard)	DCVA
32. Sewage Pumping Station.....	PVB
33. Sewage Treatment Plant.....	RP
34. Swimming Pools with Piped Fill Line.....	AG
35. Veterinary Establishment	RP

Vacuum breakers (Vacuum Relief Valves) designed to prevent collapse or implosion of a steam-heated pressure vessel when being cooled, are not acceptable devices for protection against backflow in potable water lines.

Single check valves will not be accepted as a means to protect the potability of drinking water and therefore may only be used to prevent backflow which would affect the functioning of a plumbing system, such as to prevent recirculation of potable hot water. Where single check valves are improperly used, they will be required to be replaced by an appropriate approved backflow prevention device.

- C. In addition to and including those types of facilities listed above, an approved backflow prevention device of the type designated shall be installed on each domestic water service connection to any premises containing the following real or potential hazards:

<u>Situation</u>	<u>Minimum Typical Protection</u>
(1) Premises having an auxiliary water system not connected to public water system.....	RP
(2) Premises having a water storage tank, reservoir, pond, or similar appurtenance.....	RP
(3) Premises having a steam boiler, cooling system, or hot water heating system where chemical water conditioners are used.....	RP
(4) Premises having submerged inlets to equipment.....	RP
(5) Premises having self-draining yard hydrants, fountains, hose boxes or similar devices presenting a health or system hazard. (i.e. chemical storage plants, tank farms, bulk storage yards).....	RP
(6) Premises having self-draining yard hydrants, fountains, hose boxes or similar devices presenting a pollution hazard. (i.e., parks, play fields, cemeteries)	DCVA
(7) Others specified by the Public Utilities Department	

Any device, equipment or situation not covered by this Cross-Connection Policy where water is connected or used, which may constitute a potential health hazard, will be handled at the discretion of the water purveyor or his authorized agent.

6.2 Parallel Installation

All backflow prevention devices with test clocks, are required to be tested with a minimum frequency of once per year. Testing requires a water shutdown usually lasting five (5) to twenty (20) minutes. For facilities that require an uninterrupted supply of water, and when it is not possible to provide water service from two separate meters, provisions shall be made for a "parallel installation" of backflow prevention devices.

Multi-story buildings which have a number of flushometer toilets, should be

equipped with parallel devices. Experience has shown, if the water is to be shut off to this type of building, flushometers may have to be manually reset.

During testing, one device is left on while the other is being tested. Usually the two devices are sized one device size smaller than the service line, e.g. one 2-inch device or two 1 ½ inch devices, one 8-inch device or two 6 inch devices.

The Authority will not accept an unprotected by-pass around a backflow preventer when the device is in need of testing, repair or replacement.

6.3 Exterminating Companies

All tanks, tank trucks, and spraying apparatus used to convey pesticides in an exterminating process are required to use only designated-protected potable water fill locations. Filling with potable water at unspecified locations or private residences is prohibited. All filling locations will consist of over-head piping arrangements with correctly installed pressure vacuum breakers. If for any reason an over-head piping arrangement cannot be used, a reduced pressure zone backflow preventer must be installed on the fill line. All filling locations must be approved by the Authority.

6.4 Fire Systems

Type of Backflow Protection Required - An approved backflow prevention device of the type designated shall be installed on each fire protection service to any premises where the fire protection system contains any of the following components, unless the Fauquier County Water & Sanitation Authority determines that no regular or potential health, pollution, or system hazard to the public water system exists. Fire systems may be divided into six (6) general classes. The following are typical:

<u>Class</u>	<u>Minimum Typical Protection</u>
A. <u>Class 1</u> - A closed automatic fire system without pumper connection; A system having 20 heads or less.....	NONE
B. <u>Class 2</u> - A closed automatic fire system with pumper connection.....	DCVA
C. <u>Class 3</u> - A closed automatic fire system with pumper connection and an auxiliary water supply on or available to the premises; or an auxiliary water supply which will be located within 1,700feet of the pumper connection.....	RP
D. <u>Class 4</u> - A closed automatic fire system with a closed pressure tank supply (this class may have a jockey pump interconnected with the public water supply and/or an air compressor connection)	RP

- E. Class 5 - A closed automatic sprinkler system inter-connected with an auxiliary water supply.....RP
- F. Class 6 - A fire system used for the combined purposes of supplying the automatic sprinklers, hose lines, fire hydrants and standpipes and of being used for industrial purposes.
 - (1) Self-Draining Fire Hydrants on premises presenting a Health or System Hazard (i.e., Chemical Plant, Petroleum Storage Plant, Bulk Storage Yard, Stock Yard, Sewage Plant, or similar facilities where ground seepage of toxic materials may occurRP
 - (2) Self-Draining Fire Hydrants on premises presenting a Pollution Hazard (i.e., Apartment House, Office Complex, Fabricating Plant, or similar facility where ground seepage of polluttional but not toxic materials may occur.....DCVA

6.5 Other Cross-Connection Hazards

- A. Fixture Inlets or Valved Outlets - Fixture inlets or valved outlets with hose attachments, which may constitute a cross-connection, shall be protected by the proper approved vacuum breaker (AVB, HBVB, etc.) installed at least six (6) inches above the highest point of usage and located on the discharge side of the last valve. Fixtures with integral vacuum breakers manufactured as a unit may be installed in accordance with their approved requirements.
- B. Air Condition Cooling Tower - Potable water inlet shall have an air gap separation of twice the inside diameter of the inlet line or a minimum of two inches above the flood level rim. In a case where the cooling unit is completely enclosed, then an RP device must be installed.
- C. Aspirators and Ejectors - Aspirators and ejectors shall have an AVB or PVB, depending upon the degree of hazard, on the faucet from which these devices are attached or operated.
- D. Booster Pumps - All booster pumps shall be provided with a low-pressure cut-off unless other acceptable provisions are made to prevent the creation of low or negative pressures in the piping system.
- E. Private Wells - Shall not be interconnected to any Authority public water supply system.
- F. Portable Spray and Cleaning Equipment - Any portable pressure spray or cleaning units that have the capability of connection to any potable water supply and do not contain a built-in approved air gap, should be fitted with

a reduced pressure backflow device or double check valve assembly depending on the degree of hazard.

- G. Uses of Water From Fire Hydrants or Meter Setters -The unmetered use of water from any fire hydrant or meter setter by other than authorized personnel is prohibited. The department may permit the use of water from a fire hydrant for construction, provided the applicant applies for and adheres to backflow requirements on hydrant permits.

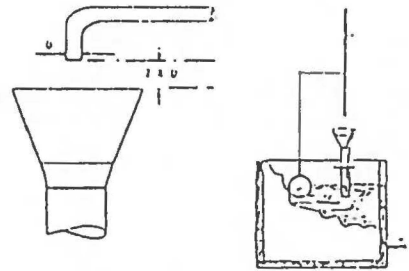
Note: Any device, equipment, or situation not covered by this cross-connection policy, which may constitute a potential health hazard, will be examined for appropriate treatment by the Authority.

6.6 Typical Backflow Prevention Devices (Illustrated)

The following are illustrations of typical backflow devices.

1 AIR-GAP

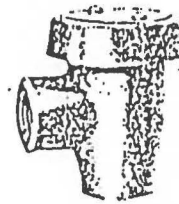
Air Gap is the physical separation of the potable and non-potable system by an air space. The vertical distance between the supply pipe and the flood level rim should be two times the diameter of the supply pipe, but never less than 1". The air gap can be used on a direct or inlet connection and for all toxic substances.



2 ATMOSPHERIC VACUUM BREAKERS

Atmospheric Vacuum Breakers may be used only on connections to a non-potable system where the vacuum breaker is never subjected to back-pressure and is installed on the discharge side of the last control valve. It must be installed above the usage point. It can not be used under continuous pressure.

Hose connection vacuum breakers may be used on sill cocks and service sinks.



ATMOSPHERIC TYPE
VACUUM BREAKER



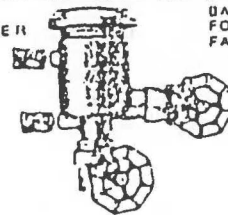
HOSE CONNECTION
VACUUM BREAKER

3 PRESSURE TYPE VACUUM BREAKERS

Pressure Type Vacuum Breakers may be used as protection for connections to all types of non-potable systems where the vacuum breakers are not subject to back-pressure. These units may be used under continuous supply pressure. They must be installed above the usage point.

Backflow preventers with intermediate atmospheric vent may be used as an alternate equal for 1/2" and 3/4" pressure type vacuum breakers and in addition, provide protection against back pressure.

PRESSURE TYPE
VACUUM BREAKER



BACKFLOW PREVENTER
FOR LABORATORY
FAUCETS

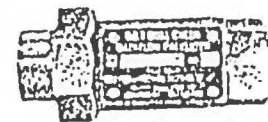


BACKFLOW PREVENTER
WITH INTERMEDIATE
ATMOSPHERIC VENT



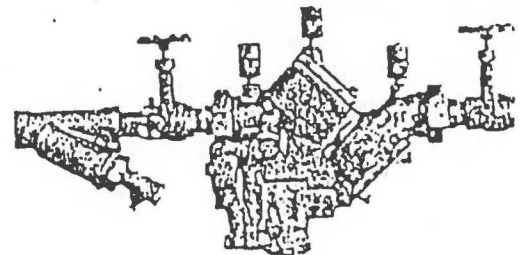
4 DOUBLE CHECK VALVE ASSEMBLY

Double Check Valve Assembly may be used as protection for all direct connections through which foreign material might enter the potable system in concentration which would constitute a nuisance or be aesthetically objectionable, such as air, steam, food, or other material which does not constitute a health hazard.



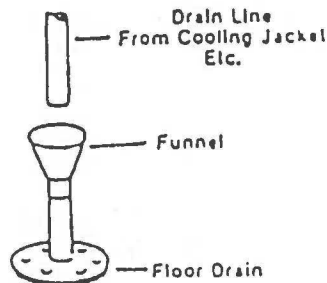
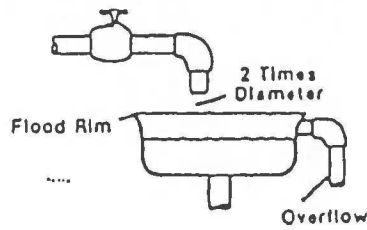
5 REDUCED PRESSURE ZONE DEVICES

Reduced Pressure Zone Devices may be used on all direct connections which may be subject to back-pressure or back-siphonage, and where there is the possibility of contamination by the material that does constitute a potential health hazard.



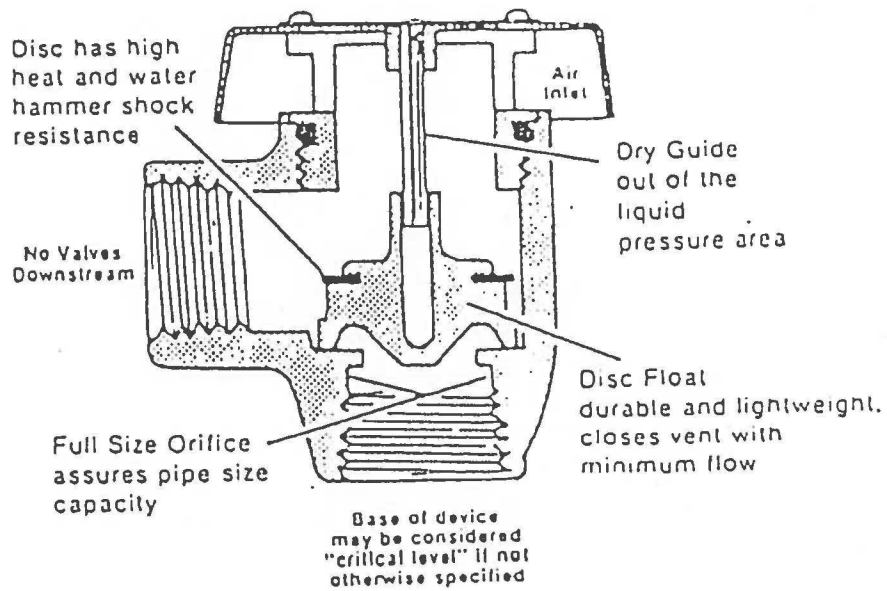
AG — Approved Air-gap

- good for toxic and non-toxic substances
- good against backpressure and backsiphonage
- a distance of 2-times the diameter of supply pipe, never less than a 1" gap
- best protection against backflow provided it is installed properly and not circumvented
- ANSI Standard No. A112.1.2



AVB — Approved Atmospheric Vacuum Breaker

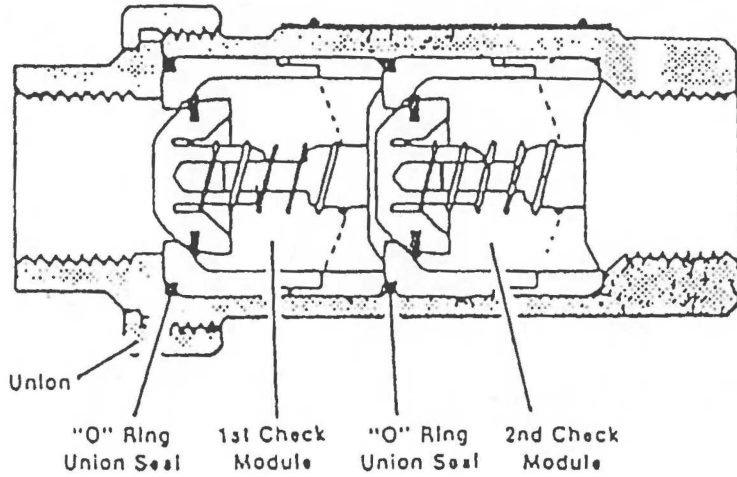
- good for most toxic and all non-toxic substances
- good for backsiphonage ONLY
- no control valves on discharge side of device
- minimum of 6" between base of device and highest outlet
- no more than 12 hours continuous service in a day
- sizes available: 1/4" - 3"
- ASSE Standard No. 1001



Dual Check Valves

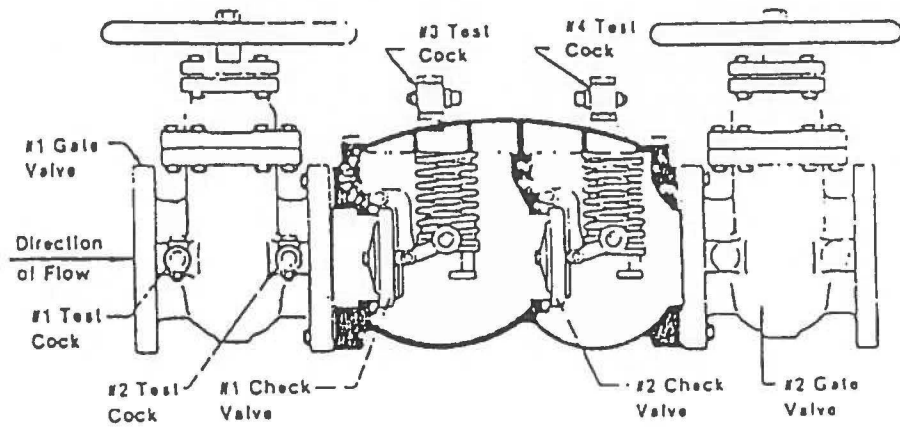
• ASSE Standard No. 1024 suited particularly for installations immediately downstream from residential water meters where potential pollutants from residences could enter the water mains.

(APPROVED FOR RESIDENTIAL USE ONLY)



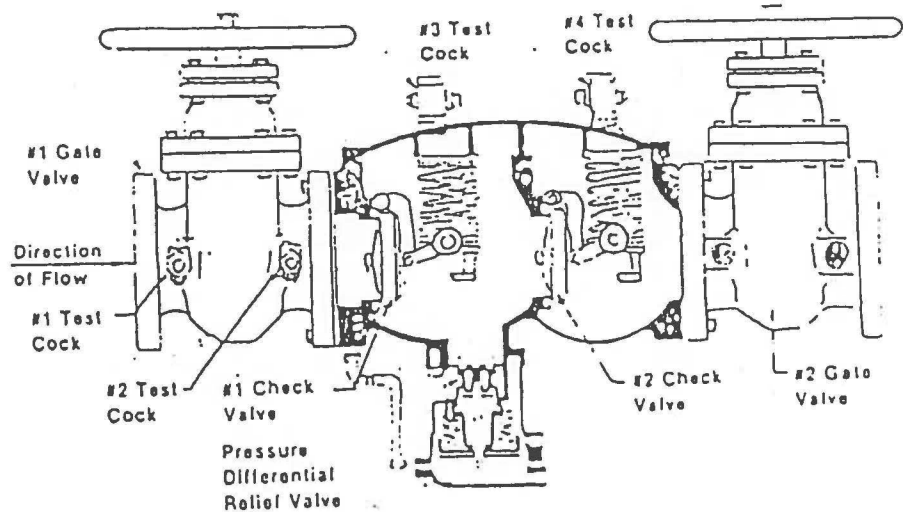
DCVA — Approved Double Check Valve Assembly

- good for non-toxic substances such as steam, air, food, beverages
- good against backsiphonage and backpressure
- installed minimum of 12" above ground or flood level
- must be tested annually
- sizes available: 1/2" - 10"
- ASSE Standard No. 1015 or AWWA Standard C506-78



RP — Approved Reduced Pressure Principle Backflow Preventer

- good for toxic and non-toxic substances
- good against backsiphonage and backpressure
- installed minimum of 12" above ground or flood level
- must be tested annually
- sizes available: 1/2" - 10"
- ASSE Standard No. 1013 or AWWA Standard C506-78

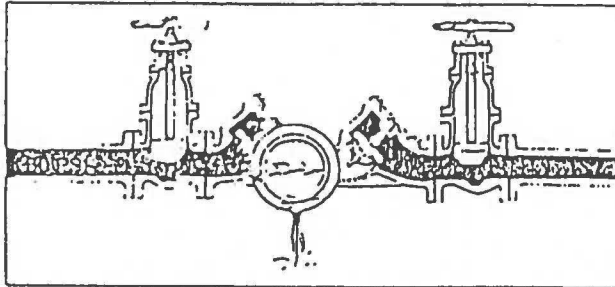


6.7 Typical Backflow Prevention Device Installations (Illustrated)

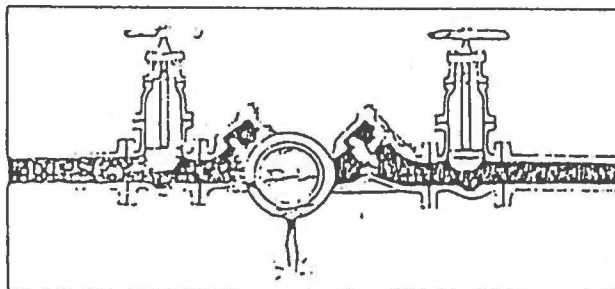
The following are illustrations of typical backflow device installations.

How Backflow Prevention Devices Work

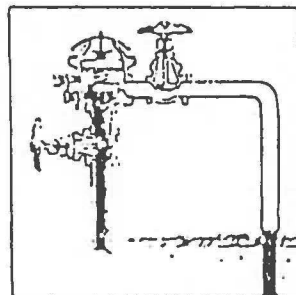
This figure shows an RP device during a back-siphonage condition. If you will notice both checks are closed tight and the pressure differential relief valve is discharging to atmosphere. This is due to the fact that the relief valve is designed to maintain a lower pressure in the zone between the two check valves than the supply pressure.



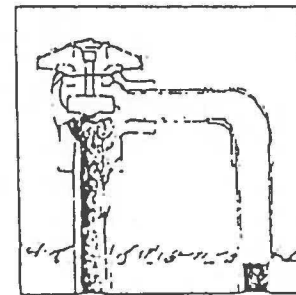
In this figure of an RP device, there is a backpressure condition. The second check is fouled with a piece of pipe scale which permits the higher pressure to flow back into the zone. Here the relief valve discharges the water to atmosphere maintaining the pressure in the zone lower than the supply pressure.



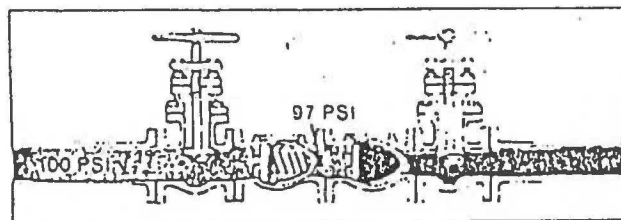
In this view of a pressure vacuum breaker, a back-siphonage condition has caused the check to close against its seat and the air-inlet has opened so that the pressure in the body of the device is atmospheric. If the check was fouled by some foreign material, only air would be pulled back into the domestic supply system instead of the non-potable water downstream of the device.



In this picture of an atmospheric vacuum breaker, a back-siphonage condition exists. This condition has caused the check-float to drop away from the air-inlet and seal on the check seat, which prevents the non-potable water from being backsiphoned. If the check-float did not seat properly, again only air would be sucked back into the domestic water system.



In this view of a double check valve, there is backpressure from a source downstream which has caused the second check to close tightly against this reverse pressure. The first check has closed tightly by itself, thus giving two barriers against the backflow condition.



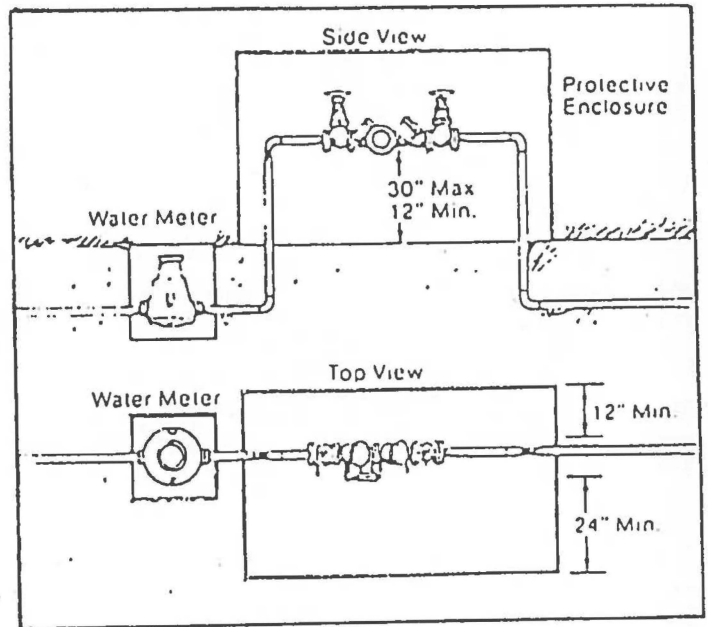
The selection of the proper type of device is important. Depending upon the fluid that can backflow, whether it is toxic or non-toxic; and whether there can be backpressure or backsiphonage; it will govern the type of device selected. The following chart will help you to decide what type of device to use.

		RP	DC	PVB	AVB
Backpressure	Toxic	X			
	Non-toxic	X	X		
Backsiphonage	Toxic	X		X	
	Non-toxic	X	X	X	X

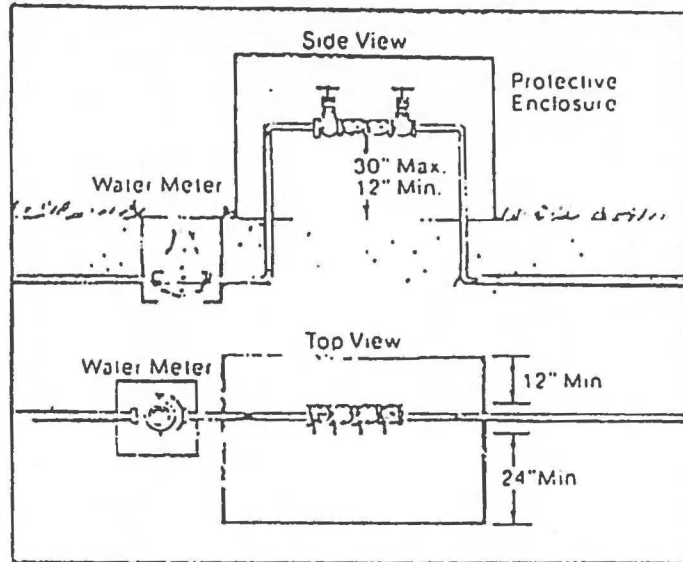
Having a device on the connection is not enough, the device MUST be installed correctly. The following details and illustrations will help you in the proper installation of the devices

Reduced Pressure Device

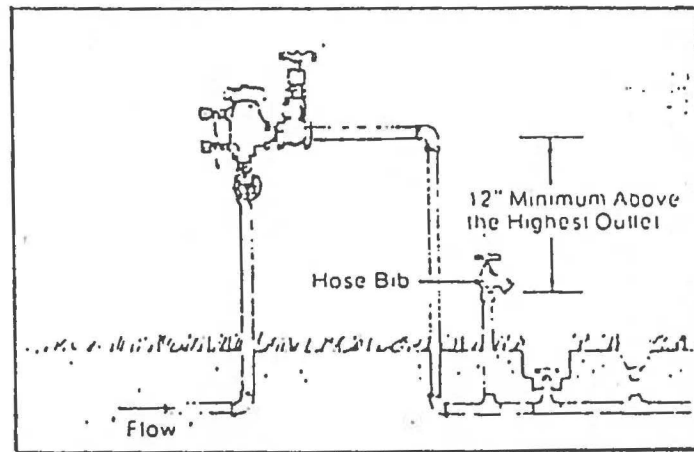
In these figures, the RP device is shown on the service connection. The RP can also be used for internal protection. The minimum clearance of 12" above the floor or grade is to ensure an air gap between the relief valve and any water that might puddle beneath the device. The maximum height is so that the device will be easy to work on during testing and maintenance. If the device is in a protective enclosure or mounted against a wall, the minimum distances are so that the device can be tested and maintained



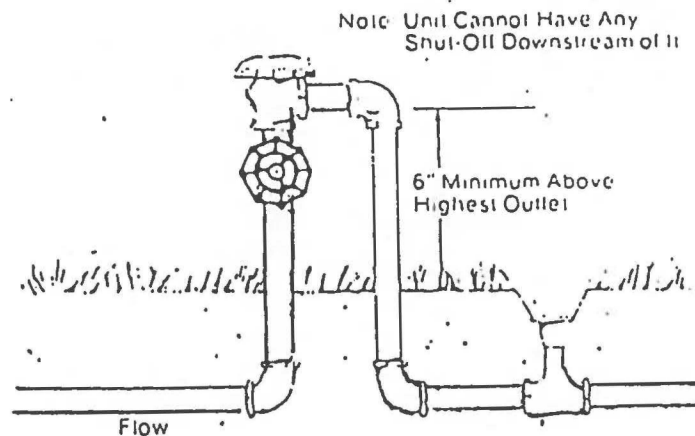
Double Check Valve
 In these figures, the double check valve is shown on the service connection, it can also be used for internal protection as well. The minimum and the maximum distances are the same as they are for the RP device.



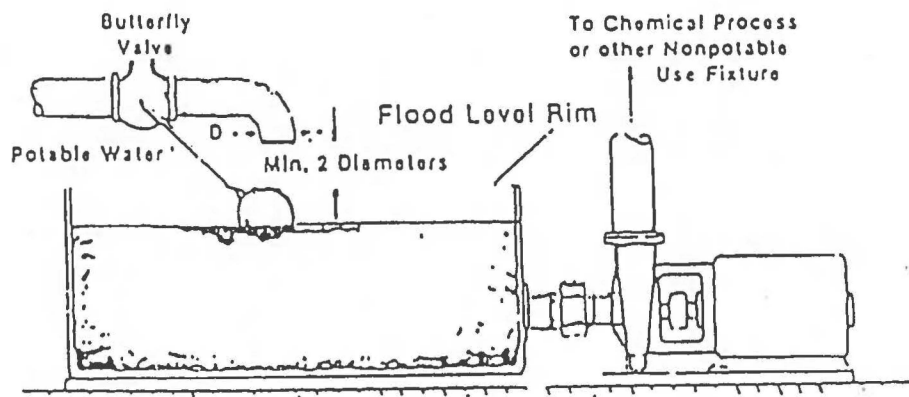
Pressure Vacuum Breaker
 The pressure vacuum breaker cannot be installed where there can be backpressure, only where there can be backsiphonage. The pressure vacuum breaker can have shut-off valves downstream of the device. The PVB must be installed at least 12" above the highest outlet or, if it is feeding an open tank, at least 12" above the highest overflow rim of the tank. The following figure shows a typical installation on a sprinkler system.



Atmospheric Vacuum Breaker
 Just as the pressure vacuum breaker, the atmospheric vacuum breaker cannot be installed where there can be backpressure, only where there can be backsiphonage. The atmospheric vacuum breaker cannot have any shut-off valves downstream of it. It also must be installed at least 6" above the highest outlet or the topmost overflow rim of a non-pressure tank. The following illustration shows the AVB on a sprinkler system.



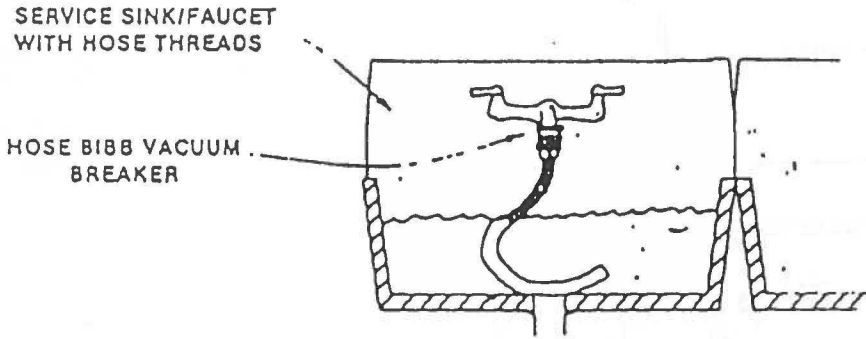
Alrgap Separation



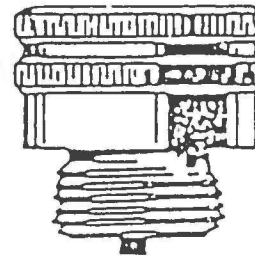
Surge tank and booster pump.

HOSE BIBB VACUUM BREAKER

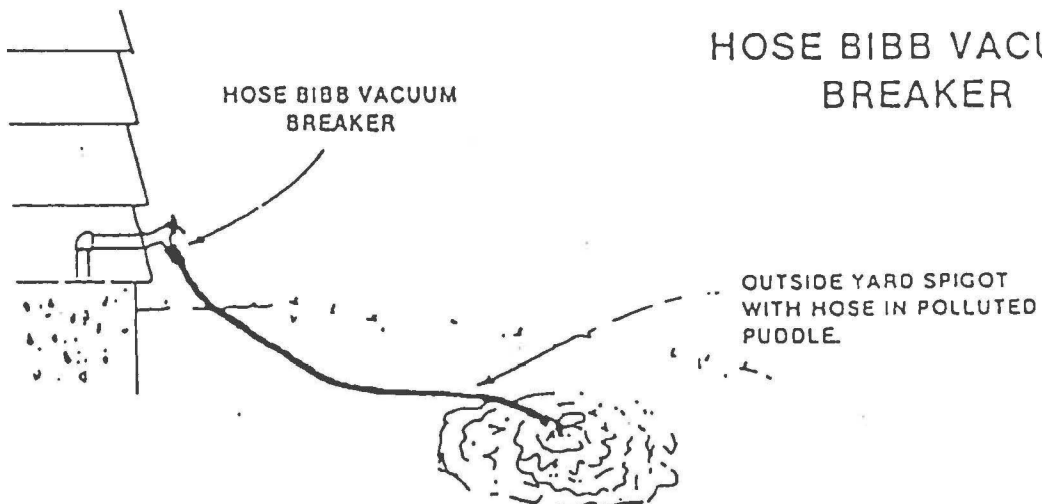
DOUBLE CHECK VALVE ASSEMBLY
TYPICAL INSTALLATION ON



TYPICAL INSTALLATION ON SERVICE SINKS, LAUNDRY TUBS, DEVELOPING TANKS AND WASHING MACHINES.



HOSE BIBB VACUUM BREAKER



TYPICAL INSTALLATION ON SILL COCKS, HOSE BIBBS, YARD HYDRANTS, SWIMMING POOLS, WASH' RACKS AND OTHER FAUCETS WITH GARDEN HOSES.

7. Testing of Backflow Preventers

It shall be the duty of the customer-user at any premises where reduced pressure backflow prevention devices (RP), double check valve assemblies (DCVA), and pressure vacuum breakers (PVB) are installed to have thorough inspections and operational tests made at least once a year or more often in those instances where inspections indicate a need. These inspections and tests shall be at the expense of the water user and be performed by the device manufacturer's representative, or by a certified device technician. The water purveyor will notify the customer or user when tests are required and supply the necessary test forms and instructions.

8. Penalties for Non-Compliance

- 8.1 Termination of Service - A written notification detailing all cross-connections found during the inspection will be sent to the owner or authorized agent of the owner of the building or premises, stating that corrections must be made and setting a reasonable time for compliance. Upon failure of the owner or authorized agent of the owner of the building or premises to have the defect(s) corrected by the specified time the water purveyor shall cause the water service to the building or premises to be terminated. The water purveyor shall cause discontinuance of water service if a required backflow prevention device has been bypassed or failed to be tested or properly maintained as required by this policy statement. The water purveyor shall also discontinue water service if an air gap separation system is compromised.
- 8.2 Monetary Penalties - Violations of any provisions concerning cross-connections within the Authority Cross-Connection and Backflow Prevention Policy shall be punished as a Fauquier County Class 3 Misdemeanor. Under this Policy each day any violation shall continue shall constitute a separate offense.

9. References

The following references provide additional details regarding backflow regulatory requirements and compliance measures.

- A. "Safe Drinking Water Act", Public Law 93-523, December 16, 1974.
- B. "Cross-Connection Control Manual", U.S. Environmental Protection Agency, Washington, D.C., 1973
- C. "Waterworks Regulations", Commonwealth of Virginia/State Board of Health, February 1, 1982.
- D. "Section P-1505.0 Protection of Potable Water Supply", The BOCA Basic/National Plumbing Code, 1984.

FAUQUIER COUNTY WATER AND SANITATION
AUTHORITY
PRETREATMENT REGULATIONS

June 7, 2022

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PART I. GENERAL PROVISIONS

Section 1. Purpose and Policy

- 1.1.1 This Part sets forth uniform requirements for dischargers into the wastewater treatment facilities of Fauquier County Water and Sanitation Authority (“FCWSA” or “the Authority”) and enables the Authority to comply with all applicable federal and state laws.
- 1.1.2 The objectives of these regulations are:
- (a) To prevent the introduction of pollutants into the wastewater treatment system that will interfere with the operation of the system or contaminate resulting sludge;
 - (b) To prevent the introduction of pollutants into the Authority’s Publicly Owned Treatment Works (“POTWs”) that will pass through the POTWs, inadequately treated, into receiving waters or will otherwise be incompatible with the POTWs;
 - (c) To protect the general public and POTW personnel who may be affected by wastewater and sludge;
 - (d) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Authority’s POTWs; and
 - (e) To enable the Authority to comply with its Virginia Pollutant Discharge Elimination System (“VPDES”) permit conditions, sludge use and disposal requirements, and any other Federal or State laws which apply to the operation of its POTWs.
- 1.1.3 These regulations shall apply to all Users of the POTWs and authorize the issuance of individual Wastewater Discharge Permits; provide for monitoring, compliance, and enforcement activities; establish administrative review procedures; and require User reporting.
- 1.1.4 These Regulations are authorized or required by the federal Clean Water Act, 33 U.S.C. Section 1251, et seq., and the Virginia State Water Control Law, Va. Code Section 62.1 – 44.2, et seq. and regulations thereunder; Va. Code Section 15.2-2122; and any permits issued to the Authority’s wastewater treatment facilities.

Section 2. Definitions

- 1.2.1 The meaning of specific words as used in these regulations shall be interpreted, unless otherwise indicated, as follows, except in those instances when the context clearly indicates a different meaning:

(a) **Act or “the Act”**. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.

(b) **Administrator**. The administrator of the United States Environmental Protection Agency (“EPA”) or those acting on his behalf.

(c) **Authority**. Fauquier County Water and Sanitation Authority.

(d) **Authorized representative of the User**. An authorized representative of a User may be:

(1) if the User is a corporation:

(A) the president, secretary, treasurer, or a vice-president of the corporation who is in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(B) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual Wastewater Discharge Permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(2) if the User is a partnership or sole proprietorship: a general partner or proprietor, respectively; or

(3) if the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

The individuals described in paragraphs (1) through (3), above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Authority.

(e) **Best Management Practices (“BMPs”)**. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the

prohibitions listed in Part II [40 CFR 403.5(a)(1) and (b)]. BMPs include, but are not restricted to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(f) **Categorical Pretreatment Standard or Categorical Standard.** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

(g) **Confidential Information.** Information that includes, but is not limited to, any secret formula, secret processes, or secret methods, including any plan, pattern, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate or produce a compound, an article of trade, or a service having value or which gives its users an opportunity to obtain a business advantage over competitors who do not know or use it.

(h) **Contaminants of Emerging Concern.** Contaminants posing unique issues and challenges to the environment and/or human health as a result of: (a) the recent development of new chemicals or other products; (b) new or recently identified byproducts or waste products; (c) newly discovered or suspected adverse human health or environmental impacts; (d) properties that are not fully evaluated or understood; (e) an absence of or pending changes to fully defined risk levels, water quality standards or guidance or other environmental program levels of control; and (f) other factors. Emerging contaminants include, but are not limited to, PFAS (per and polyfluoroalkyl substances), nanomaterials, pharmaceuticals and their constituents, and steroids and hormones.

(i) **Conventional Pollutants.** BOD, TSS, fecal coliform, oil and grease, and pH.

(j) **Daily Maximum Limit or Daily Maximum.** The maximum allowable discharge of a pollutant during a calendar day. Where daily maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(k) **Domestic Sewage or Waste.** Water carried wastes normally discharged from sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories and institutions, free from storm water and/or industrial wastes. Wastewater generated by domestic Users.

(l) **Discharge or Indirect Discharge.** The introduction of pollutants or wastewater containing pollutants into the Authority's collection system or POTWs.

(m) **Existing Source.** Any source of discharge that is not a "New Source."

(n) **Grab Sample.** A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

(o) **Holding Tank Waste.** Any waste from holding tanks, such as, but not limited to, chemical toilets, campers, trailers, and septic tanks. These wastes are to be discharged at a POTW plant equipped to handle such waste and not into a public sewer.

(p) **Industrial Sewage or Waste.** The wastes from industrial processes, as distinct from domestic wastes.

(q) **Instantaneous Limit.** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(r) **Interference.** A discharge which, alone or in conjunction with a discharge or discharges from other sources:

(1) inhibits or disrupts a POTW, its treatment processes or operations, or its sludge processes, or the use or disposal of its sludge;

(2) is a cause of a violation of any requirement of the Authority's VPDES permit, including an increase in the magnitude or duration of a violation; or

(3) prevents the use or disposal of sludge at a POTW from complying with any provisions of federal, state or local law, including but not limited to Section 405 of the Clean Water Act, the Resource Conservation and Recovery Act ("RCRA") (42 U.S.C. § 6901 et seq.), state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the RCRA, the Clean Air Act (42 U.S.C. § 7401 et seq.), and the Marine Protection, Research and Sanctuaries Act (33 U.S.C. § 1401 et seq.).

(s) **Local Limits.** Limitations on User discharges as set forth in Part II Section 5 of these regulations.

(t) **New Source.**

(1) Any building, structure, facility, or installation from which there is or may be a discharge, the construction of which commences after the publication in the Federal Register of proposed pretreatment standards under the Clean Water Act

that would be applicable to the source if such standards were thereafter promulgated, provided that:

(A) the building, structure, facility or installation is constructed at a site where no other source of pollutant discharges is located; or

(B) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge from an existing source; or

(C) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether this "substantially independent" criterion is met, factors such as the extent to which the new facility is integrated with the existing plant and is engaged in the same general type of activity as the existing source shall be considered.

(2) Construction at a site at which an existing source of pollutant discharges is located results in a modification of the existing source, rather than a new source, if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (1) above, but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source has commenced if the owner or operator has:

(A) begun, or caused to begin, as part of a continuous on-site construction program, any replacement, assembly, or installation of facilities or equipment, or any significant site preparation work, including excavation work or clearing or removal of existing buildings or structures; or

(B) entered into binding contractual obligations for the purchase of facilities or equipment which are intended to be used in the operation of the new source within a reasonable time; provided, that options to purchase, contracts which may be terminated or modified without substantial loss, and contracts for feasibility, engineering or design studies shall not constitute a contractual obligation under this subsection.

(u) **Noncontact Cooling Water.** Water used solely for cooling purposes which does not come in contact with any other discharge until it is discharged into the collection system or a POTW, and which does not exceed the pretreatment standards.

(v) **Pass Through.** Any discharge which exits a POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge from other sources, is a cause of a violation of any requirement of a POTW's VPDES permit,

including an increase in the magnitude or duration of a violation.

(w) **Permittee.** A holder of a Wastewater Discharge Permit issued by the Authority.

(x) **Person.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock, company, trust, estate, governmental entity or any other legal entity, or its legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

(y) **pH.** A measure of the acidity or alkalinity of a solution, expressed in standard units.

(z) **Pollutant.** Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

(aa) **Pretreatment.** The reduction of the amount of pollutants, elimination of pollutants, alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into a POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

(bb) **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

(cc) **Pretreatment Standards.** Federal, State, or local standards which prohibit certain pollutants from appearing in discharges or which limit the quantity or concentration of certain pollutants which may appear in discharges, including national Categorical Pretreatment Standards promulgated by the United States Environmental Protection Agency.

(dd) **Prohibited Discharge.** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Part II of these regulations.

(ee) **Publicly Owned Treatment Works (“POTW”).** A treatment works as defined by Section 212 of the Act, (33 U.S.C. § 1292). This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. It does not include pipes or sewers designated to convey stormwater and which are not connected to a facility providing service.

(ff) **Slug Load or Slug Discharge.** Any discharge at a flow rate or concentration, which

could cause a violation of the prohibited discharge standards in Part II of these regulations. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate a POTW's regulations, Local Limits, or VPDES permit conditions.

(gg) **Stormwater.** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

(hh) **User.** Any person or entity which is the source of a discharge to the Authority.

(ii) **User, Industrial.** Any person or entity which is a non-residential source of a discharge.

(jj) **User, Significant Industrial**

(1) Types of Significant Industrial Users:

(A) Categorical. Any Industrial User subject to the national Categorical Pretreatment Standards in 40 C.F.R.403.6 and 40 C.F.R. Parts 405 through 471; and

(B) Noncategorical. Any other Industrial User that discharges an average of 25,000 or more gallons per day of process wastewater to a POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater), contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of a POTW's treatment capacity, or is designated a Significant Industrial User in accordance with 40 C.F.R. 403.8(f)(6), on the basis that the Industrial User has a reasonable potential to adversely affect a POTW's operation or to violate any national Categorical Pretreatment Standard or requirement.

(2) The Authority may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(A) The Industrial User, prior to the Authority's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;

(B) The Industrial User annually submits the certification statement required by 40 CFR 403.12(q), together with any additional information necessary to support the certification statement; and

(C) The Industrial User never discharges any untreated concentrated wastewater.

(3) Upon a finding that a User meeting the criteria in (jj)(1)(B) of this Section has no reasonable potential for adversely affecting a POTW's operation or for violating any Pretreatment Standard or Requirement, the Authority may determine that the User should not be considered a Significant User in accordance with procedures in 40 CFR 403.8(f)(6).

(kk) **Virginia Pollutant Discharge Elimination System ("VPDES")**. The program of issuing, conditioning, and denying permits for the discharge of pollutants from point sources, pursuant to Section 402 of the Clean Water Act.

(ll) **Wastewater**. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to a POTW.

PART II. PROHIBITIONS AND LIMITATIONS ON WASTEWATER DISCHARGE

Section 1. General Discharge Prohibitions

2.1.1 No User shall contribute or allow to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of a POTW, pass through a POTW, or contaminate the sludge. These general prohibitions apply to all Users whether or not the User is subject to national Categorical Pretreatment Standards. A User may not allow the following substances to be discharged to a POTW:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas, which creates a fire or explosion hazard in the collection system or POTWs, including but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using methods specified in 40 C.F.R. 261.21;

(b) Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

(c) Any wastewater with a pH less than 5.0, or any wastewater with any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of a POTW;

(d) Any wastewater containing toxic pollutants in sufficient quantity either singly or by interaction with other pollutants to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of a POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act;

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewer system for maintenance and repair;

(f) Any substance which may cause a POTW's effluent or any other product of a POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to a POTW cause that POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or state criteria applicable to the sludge management method used;

(g) Any substance which will cause a POTW to violate its VPDES permit or the receiving water quality standards;

(h) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating or contributing to a potential to violate a POTW's VPDES permit;

(i) Any wastewater having a temperature which will inhibit biological activity in a POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the discharge into a POTW which exceeds 104 degrees Fahrenheit, or 40 degrees Celsius.

(j) Any pollutants, including oxygen demanding pollutants, released at a flow rate and or concentration which a User knows or has reason to know will cause interference to a POTW;

(k) Any radioactive wastes or isotopes of such life-line or concentration as may exceed limits established for compliance with applicable state or federal regulations;

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

(m) Any stormwater or unpolluted surface or ground water;

(n) Any wastewater containing fat, wax, grease or oil, whether emulsified or not, in excess of 100 mg/l, or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit;

(o) Any holding tank waste, trucked, or hauled pollutants, except at discharge points designated by the Authority;

(p) Any wastewater containing petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

(q) Any wastewater containing pollutants which result in the presence of toxic gases, vapors, or fumes within a POTW (or at any point in the system) in a quantity that may cause acute worker health and safety problems; and

(r) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

2.1.2 Dilution of waste streams to meet the requirements of this Section is prohibited.

- 2.1.3 Substances, materials, waters, or wastes prohibited by this Section shall not be processed or stored in such a manner that they could be discharged into the Authority's collection system or POTWs.

Section 2. Accidental Discharges and Slug Loading

- 2.2.1 Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by these regulations.

(a) Facilities to prevent accidental discharge of prohibited material shall be provided and maintained at the User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Authority for review and approval before construction of the protection facilities.

(b) No User desiring to discharge wastewater to POTWs shall be permitted to introduce pollutants into the POTWs until accidental discharge procedures have been approved. Any existing User on the effective date of these regulations shall submit its accidental discharge procedures to the Authority at the Authority's request.

(c) Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify their facility as necessary to meet the requirements of these regulations.

(d) In the case of an accidental discharge, including any slug load, the User shall immediately telephone the Authority to inform it of the incident, giving the location of the discharge, type of waste, concentration and volume, and corrective actions. Within five days following the leak or spill, the User shall submit to the Authority a detailed written report describing the cause of the leak or spill 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 POTWs or any other property or of injury to persons caused by the leak or spill. Any such notification shall not relieve the User of any liabilities, fines, or other applicable penalties which may be imposed under these regulations or other applicable laws.

- 2.2.2 Slug Discharge Control Plan.

Upon submission of an Application for a Discharge Permit and every two years thereafter, the Authority shall evaluate whether each Significant Industrial User needs a plan to control slug discharges.

(a) The need for a Slug Discharge Control Plan shall be evaluated based upon the following criteria:

- (1) The potential for slug discharges,
- (2) History of slug discharges, and
- (3) Presence of stored chemicals, whether stored chemicals are in diked storage areas, and the proximity of floor drains to those stored chemicals.

(b) If a Slug Discharge Control Plan is required, it shall contain at least the following elements:

- (1) A description of discharge practices, including non-routine batch discharge,
- (2) A description of stored chemicals,
- (3) Procedures for promptly notifying a POTW of slug discharges, including any discharge that would violate a specific prohibition under Section 2.1.1, with procedures for follow-up written notification within five days,
- (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response, and
- (5) If necessary, follow-up practices to limit the damage suffered by the treatment plant or the environment.

Section 3. Holding Tank Wastes

2.3.1 Dischargers of holding tank wastes must obtain a Wastewater Discharge Permit from the Authority. No discharger or hauler of holding tank wastes may discharge into the Authority's POTWs wastes containing an excess of any limitations established in a Wastewater Discharge Permit. Dilution of any wastewater discharge for the purpose of satisfying these or other requirements will not be permitted to discharge at the facility.

Section 4. National Categorical Pretreatment Standards

2.4.1 Industrial Users must comply with the Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

(a) Where a Categorical Pretreatment Standard is expressed only in terms of the mass or the concentration of a pollutant in wastewater, the Authority may impose equivalent concentration or mass limits in accordance with 40 C.F.R. 403.6(c).

(b) Where wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the Authority shall impose an alternate limit using the combined waste stream formula in 40 C.F.R. 403.6(e).

(c) A User may obtain from the Authority a variance from a Categorical Pretreatment Standard if the User can prove, pursuant to the provisions in 40 C.F.R. 403.13, that the factors relating to its discharge are fundamentally different from the factors considered by the United States Environmental Protection Agency when developing the Categorical Standard.

(d) A User may obtain from the Authority a net gross adjustment to a Categorical Pretreatment Standard in accordance with 40 C.F.R. 403.15.

Section 5. Local Limits

2.5.1 The Authority is authorized to establish Local Limits on specific pollutant parameters to control discharges from Users. These may include maximum mass or concentration discharge limits for any pollutant that threatens the public health, presents an endangerment to the environment, interferes with the operation of POTWs, or causes the Authority to be in violation of its VPDES permit or any permit issued to regulate the treatment or application of sludge.

2.5.2 The Authority may establish, by regulation or in Wastewater Discharge Permits, standards or requirements for discharges which are necessary to ensure User compliance with Section 2.1.1; provided, that no such standard or requirement may be less stringent than applicable federal standards and requirements.

2.5.3 These limits apply at the point where the wastewater is discharged to the Authority's POTWs.

Section 6. Dilution

2.6.1 No User shall increase the use of process water, or in any way dilute a discharge, in order to achieve compliance with a discharge limit, unless expressly authorized by an applicable Pretreatment Standard or requirement. The Authority may impose discharge limits that are based on the mass of pollutants upon Users which are using dilution to meet applicable Pretreatment Standards or requirements, or when the imposition of such

limits is otherwise appropriate.

Section 7. Emerging Contaminants

2.7.1 Control of Contaminants of Emerging Concern

The Authority has determined that the discharge by Users, management within POTWs, discharge to receiving waters, presence within biosolids, and air exhausted by the Authority's systems of Contaminants of Emerging Concern ("CECs") may bring about unacceptable risks to the Authority's POTWs, human health, and pass-through or other adverse environmental impacts. The Authority shall address CECs in the following manner when determined necessary for the purposes of these regulations:

(a) The Authority may require Users to provide specified information on their purchase, use, manufacture (intentional or incidental), discharge as a wastewater or other waste constituent, or other information or data on specified CECs; and specified information on the User's products and processes that may contribute to the creation or discharge or CECs.

(b) The Authority may require Users to provide specified wastewater discharge or other data on any CECs identified by either the Authority or by the User within subsection (a) above or other determined by the Authority to be potentially discharged by the User as a wastewater or other waste pollutant. Such data shall include any existing data in the possession or control of the User and may include requirements for the User to sample and generate at its cost such data. The Authority may also itself sample and generate such data and the Authority's costs therefore may be billed to the User as an additional service associated with sewerage wastes.

(c) When the Authority determines it necessary for the purposes of these regulations, the Authority may require by Wastewater Discharge Permit (through either a new permit, reissuance, or amendment), by Enforcement Order, or otherwise pursuant to the terms of these regulations actions by a User to address CECs. Such actions may include:

- (1) Further or routine monitoring requirements;
- (2) Numeric effluent limits adopted as Local Limits or calculated as either generally-applicable or User-specific technology-based limits; and
- (3) Requirements for Best Management Practices.

Any such requirements may be based on the Authority's determination of CEC numeric criteria based on available toxicity or other data, EPA or Commonwealth of Virginia

standards or criteria, or generally-accepted criteria determinations by recognized scientific entities.

PART III. PROGRAM COMPLIANCE

Section 1. Pretreatment of Wastewater

3.1.1 Pretreatment Facilities

Users shall provide wastewater treatment as is necessary to comply with these regulations, and shall comply with all Categorical Pretreatment Standard and Local Limits and with the prohibitions set out in Section 2.1.1, within the time limitations specified by federal, state or local regulation or by the Authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Authority for review, and must be approved by the Authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying any such facility to produce a discharge acceptable to the Authority under the provisions of these regulations and the User's discharge permit. The Authority may require a User to have a certified operator on staff to ensure proper operation and maintenance of the pretreatment facility.

3.1.2 Additional Pretreatment Measures

(a) Whenever determined necessary by the Authority, the Authority may require Users to restrict their discharge during peak flow periods, to discharge certain wastewater only into specific sewers, to relocate and/or consolidate points of discharge, to separate sewage waste streams from industrial waste streams, and to comply with such other conditions as are necessary to protect the POTWs. In addition, the Authority shall determine the User's compliance with requirements of these regulations.

(b) The Authority may require any person discharging into the Authority's POTWs to install and maintain on its property and at its expense, a suitable storage and flow-control facility to ensure equalization of flow. A Wastewater Discharge Permit may be issued solely for flow equalization.

(c) Grease, oil, and sand interceptors shall be installed when the Authority determines that they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; all interception units shall be of a type and capacity approved by the Authority and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense.

(d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

Section 2. Wastewater Discharge Permits

3.2.1 Wastewater Discharge Permits Generally

(a) No Significant Industrial User shall discharge wastewater into the POTWs without first obtaining a Wastewater Discharge Permit from the Authority. All existing Significant Industrial Users connected to or discharging into POTWs shall obtain a Wastewater Discharge Permit within 180 days after the effective date of these regulations. Dischargers of holding tank wastes must obtain a Wastewater Discharge Permit from the Authority.

(b) The Authority may require other Users to obtain Wastewater Discharge Permits as may be necessary to carry out the purposes of these regulations.

(c) When requested by the Authority, an Industrial User must submit information on the nature and characteristics of its wastewater within ninety (90) days of the request. The Authority is authorized to prepare a form for this purpose and may periodically require Industrial Users to update this information.

(d) Any violation of the terms or conditions of a Wastewater Discharge Permit shall be deemed a violation of these regulations. Receipt of a Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards and requirements and with all other requirements of federal, state, and local law.

(e) Any User required to obtain a Wastewater Discharge Permit which proposes to begin or recommence discharging into a POTW shall obtain such permit prior to beginning or recommencing such discharge. An application for a Wastewater Discharge Permit shall be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

3.2.2 Wastewater Discharge Permits Application Content

All Users required to obtain a Wastewater Discharge Permit shall submit a permit application. The Authority may require all Users to submit, as part of an application, the following information:

(a) Identifying Information:

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

(2) Contact information, description of activities, facilities, and plant production processes on the premises.

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

(c) Description of Operations.

(1) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram, which indicates points of discharge to a POTW from the regulated processes;

(2) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to a POTW;

(3) Number and type of employees, hours of operation, and proposed or actual hours of operation;

(4) Type and amount of raw materials processed (average and maximum per day); and

(5) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

(d) Time and duration of discharges.

(e) The location for monitoring all wastes covered by the permit.

(f) Flow measurement information showing the measured average daily and maximum daily flow, in gallons per day, to POTWs from regulated process streams and other streams.

(g) Measurement of Pollutants.

(1) The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources;

(2) The results of sampling and analysis identifying the nature and concentration, and/or mass of regulated pollutants in the discharge from each regulated process, where required by the standard or by the Authority; and

(3) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

(h) Any other information as may be determined necessary by the Authority to evaluate the permit application.

3.2.3 Issuance of Wastewater Discharge Permit

The Authority will evaluate the application and any data and other information furnished by the User, and may require additional information. Within sixty (60) days after receipt of a complete Wastewater Discharge Permit application, the Authority will determine whether to issue a Wastewater Discharge Permit. The Authority may deny any application for a Wastewater Discharge Permit if it determines that the discharge will not comply with the requirements set forth in these regulations, or in Federal, State, and local law.

3.2.4 Wastewater Discharge Permit Content and Conditions

A Wastewater Discharge Permit shall contain a provision that expressly subjects the permittee to all provisions of these regulations and all other applicable Federal, State, and local laws, regulations and conditions, and any User charges and fees established by the Authority. A permit shall also contain, at a minimum, the following:

- (a) The name and address of the owner or operator of the User (the permittee), and the issuance, effective, and expiration dates of the permit;
- (b) The most stringent applicable discharge limits, including those limits established by these regulations, limits contained in applicable national Categorical Pretreatment Standards, and limits established by another political subdivision pursuant to agreements between the Authority and the subdivision;
- (c) The local pretreatment limits as set forth in Part II, Section 5;
- (d) The monitoring requirements imposed on all permittees, including but not limited to the pollutants to be monitored, the locations for taking samples, the methods of taking and analyzing samples, and the frequency of taking samples;
- (e) The reporting requirements imposed on the permittee, including but not limited to the type and contents of each report and the date of submission for each report;
- (f) A requirement that, in the event sampling indicates a violation of any permit condition, the permittee shall notify the Authority of the violation within 24 hours of first becoming aware of it, and shall repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within 30 days of first becoming aware of the violation; provided, that the permittee shall not be required to resample if the Authority

or the permittee performs sampling at the facility covered by the permit at a frequency of at least once per month, or the Authority or the permittee performs sampling at the facility between the time when the permittee performs its initial sampling and the time when the permittee receives the results of this sampling;

(g) Standard conditions that are contained in all Wastewater Discharge Permits;

(h) Specific conditions that apply to the particular permittee, including but not limited to requirements to construct, maintain, and operate certain pretreatment facilities, requirements to develop and implement compliance schedules, requirements to develop and implement best management practices, and requirements to develop and implement accidental spill and slug control plans;

(i) Other conditions as may be reasonably necessary to regulate the permittee and ensure compliance with these regulations, and State and Federal laws, rules, and regulations; and

(j) The circumstances in which the permit may be examined and modified by the Authority.

3.2.5 Wastewater Discharge Permit Duration and Modification

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

(b) Upon the promulgation of a national Categorical Pretreatment Standard, the Authority shall notify all Users holding a Wastewater Discharge Permit which may be subject to the new standard. If the new standard is more stringent than corresponding requirements in the permits of such Users, the Authority shall modify the permits to require compliance with the new standard within the time frame prescribed by the standard. Where a User which becomes subject to a new Pretreatment Standard does not hold a Wastewater Discharge Permit, the User shall file a completed permit application form with the Authority within ninety (90) days after the promulgation of the new standard, unless a federal or state statute or regulation requires that the application be filed within a shorter period of time.

(c) A Wastewater Discharge Permit is subject to modification by the Authority as limitations or requirements identified in these regulations are revised or upon just cause. An Industrial User shall be informed of any permit modification at least thirty (30) days prior to the effective date of the modification, unless federal or state law or regulation requires an earlier effective date. Any modification in a permit shall include a reasonable

time schedule for compliance. Just cause for permit modification includes, but is not limited to, the following:

- (1) To incorporate any new or revised Federal, State, or local pre-treatment standard or requirement;
- (2) Material or substantial alterations or additions to the discharger's operation which were not covered in the effective permit;
- (3) A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to POTW personnel, or the receiving waters;
- (5) Violation of any terms or conditions of this permit;
- (6) Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- (7) Upon request of the permittee, provided such request does not create a violation of any existing applicable requirements, standards, laws, or rules and regulations.

(d) A User shall give written notice to the Authority ninety (90) days prior to any facility, production, or process modifications which result in changed volume or nature of the discharge. The filing of a request for a permit modification, revocation, and re-issue, termination, or a modification of planned changes or anticipated non-compliance, does not stay any permit conditions.

3.2.6 Wastewater Discharge Permit Transfer

A Wastewater Discharge Permit shall be issued to a specific User, as the permittee, for a specific facility and a specific operation. A permit shall not be assigned, transferred, or sold by a permittee to a new owner or operator of the permittee's facility or to another User, unless the assignment, transfer, or sale has been approved by the Authority. A permit shall, in the case of a new or changed User operation, automatically expire unless the new or changed operation has been approved by the Authority.

3.2.7 Wastewater Discharge Permit Revocation

A User who violates the following conditions of the permit or these regulations is subject to having its permit revoked:

- (a) Failure to notify the Authority of significant changes to the wastewater prior to the changed discharge;
- (b) Failure to provide prior notification to the Authority of significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change;
- (c) Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application;
- (d) Falsifying self-monitoring reports and certification statements;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the Authority timely access to the facility premises and records;
- (g) Failure to meet effluent limitations;
- (h) Failure to pay civil penalties or other charges;
- (i) Failure to meet compliance schedules;
- (j) Failure to complete a wastewater survey or the Wastewater Discharge Permit application;
- (k) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (l) Violation of any Pretreatment Standard or Requirement, or any terms of the Wastewater Discharge Permit or these regulations.

3.2.8 Wastewater Discharge Permit Reissuance

- (a) A User with an expiring individual Wastewater Discharge Permit shall apply for a Wastewater Discharge Permit reissuance by submitting a complete permit application, a minimum of 120 days prior to the expiration of the existing Wastewater Discharge Permit.
- (b) An individual Wastewater Discharge Permit shall be deemed to be administratively extended if the permittee has made a timely and complete reapplication at least 120 days prior to expiration, but the permit is not either reissued or reissuance denied prior to the stated expiration date.

3.2.9 Hauled Wastewater

- (a) Septic tank waste may be introduced into a POTW only at locations designated by the

Authority, and at such times as are established by the Authority. Such waste shall not violate Part II of these regulations or any other requirements established by the Authority. The Authority shall require septic tank waste haulers to obtain Wastewater Discharge Permits.

(b) The Authority shall require haulers of industrial waste to obtain Wastewater Discharge Permits. The Authority may require generators of hauled industrial waste to obtain a Wastewater Discharge Permit. The Authority also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of these regulations.

(c) Industrial waste haulers may discharge loads only at locations designated by the Authority. No load may be discharged without prior consent of the Authority. The Authority may collect samples of each hauled load to ensure compliance with applicable Standards. The Authority may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(d) Industrial waste haulers must provide a Wastewater Discharge Authorization form for every load and the form shall identify the name and location of the waste generator, type of industry, known or suspected waste constituents, along with volume and characteristics of waste and whether any wastes are hazardous wastes pursuant to 9 VAC 20-60.

Section 3. Sampling and Monitoring Requirements

3.3.1 Monitoring Facilities

(a) Sampling points and monitoring facilities to monitor the wastewater stream must be pursuant to the Authority's requirements. If necessary, the Authority may require a User to construct sampling and monitoring facilities at the User's expense.

(b) Monitoring facilities with required sampling and metering equipment must be situated on the User's premise and allow easy access for inspection, and sampling. There shall be ample room in or near such monitoring facilities to allow accurate sampling, flow measuring, and compositing of samples for analysis.

(c) The facility's sampling and monitoring equipment shall be maintained at all times in a safe and properly operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at a frequency to ensure their accuracy.

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal

request of the Authority and shall not be replaced. The costs of clearing such access shall be borne by the User.

3.3.2 Sampling and Compliance Monitoring

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

(b) To demonstrate compliance with the permit, the sampling and analysis program shall conform to the discharge limitations listed in the Wastewater Discharge Permit. Daily concentrations shall be based on flow proportionate composite samples, except as otherwise specified in the Wastewater Discharge Permit. Instantaneous concentrations shall be based on a grab sample taken at any time.

(c) If the User subject to the reporting requirements monitors any regulated pollutant at the appropriate sampling location more frequently than required by Wastewater Discharge Permit, the results of this monitoring shall be included in the report.

(d) The User shall record for all samples:

- (1) The date, exact place, time and methods of sampling preservation techniques or procedures;
- (2) Who performed the sampling or measurements;
- (3) The date(s) the analyses were performed;
- (4) Who performed the analyses;
- (5) The analytical techniques or methods used; and
- (6) The results of such analyses.

(e) Test procedures for the analysis of pollutants shall conform to those analytical procedures as approved by EPA as listed in 40 C.F.R. 136 or as specified by the Authority.

(f) The User shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of

measurements.

(g) Retention of Records

(1) The User shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Authority at any time.

(2) All records that pertain to matters that are the subject of Orders under these regulations or any other enforcement or litigation activities brought by the Authority, the Virginia Department of Environmental Quality (“DEQ”), or EPA shall be retained and preserved by the User until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

3.3.3 Authority Inspection and Sampling Rights

The Authority may inspect the facilities of any User to ascertain compliance with all requirements and provisions of these regulations, and may examine or copy any records kept by the User which pertain to the quantity and characterization of its industrial waste. The Authority may inspect generally and may take independent samples. The User shall allow the Authority or its agents ready access at all reasonable times to all parts of the premises necessary for purposes of inspection and/or sampling in the performance of any of their duties. The Authority shall have the right to set up on the User’s property such devices as are necessary to conduct sampling or metering operations. Where the User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with the security guards so that upon presentation of suitable identification, personnel from the Authority will be permitted to enter without delay for the purposes of performing their specific responsibilities.

Section 4. Reporting Requirements

3.4.1 Baseline Monitoring Reports

Within 180 days after the effective date of a new or revised Categorical Pretreatment Standard, or 180 days after a final administrative decision regarding a category determination submission under 40 C.F.R. 403.6(a)(4), whichever is later, any existing Industrial User subject to the standard or determination which is currently discharging to

or scheduled to discharge to a POTW shall submit to the Authority a report which contains the information set forth in subsections (a) through (g) below. At least ninety (90) days prior to discharging into a POTW, any new Industrial User, and any User that becomes a categorical Industrial User by virtue of the promulgation of the new or revised Categorical Pretreatment Standard, shall submit to the Authority a report which contains the information described in subsections (a) through (g) below; provided, that new Users shall give estimates of the information requested in subsections (d) and (e). New Users shall also be required to include in this report information on the method of pretreatment that the User intends to use to meet the new or revised Pretreatment Standard.

(a) Identifying information. The Industrial User shall submit the name and address of the facility, including the name of the operator and owners.

(b) Permits. The Industrial User shall submit a list of any environmental control permits held by or for the facility.

(c) Description of operations. The Industrial User shall submit a brief description of the nature, average rate of production, and the standard industrial classification (SIC number) of each operation carried out by the User. This description should include a schematic process diagram which indicates points of discharge from the regulated processes to a POTW.

(d) Flow measurement. The Industrial User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to a POTW from each of its regulated process streams and from all other streams as necessary to allow use of the combined waste stream formula of 40 C.F.R. 403.6(e). The Authority may allow for verifiable estimates of these flows where considerations are justified by cost or feasibility.

(e) Measurement of pollutants.

(1) The Industrial User shall identify the Pretreatment Standards applicable to each of its regulated processes.

(2) The Industrial User shall conduct, and submit the results of, sampling and analyses that identify the nature and concentration, or mass where required by an applicable Pretreatment Standard or by the Authority, of the regulated pollutants that are in the discharge from each of its regulated processes. Both daily maximum concentrations and applicable average concentrations, or mass where required, shall be reported for each regulated pollutant. All samples shall be representative of daily operations. All sampling and analyses shall be performed in accordance with the techniques prescribed in 40 C.F.R. Part 136 or those identified by the Authority.

(3) In conducting the sampling required by this subsection, the Industrial User shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of this subsection.

(4) Samples shall be taken immediately downstream from pretreatment facilities associated with the Industrial User, if any, or immediately downstream from the User's regulated processes if no pretreatment facility exists. If non-regulated wastewater is mixed with the User's regulated wastewater prior to treatment, the User shall measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 C.F.R. 403.6(e) in order to evaluate compliance with each applicable Pretreatment Standard. Where an alternate concentration or mass limit has been calculated in accordance with 40 C.F.R. 403.6(e), this alternate limit, along with supporting data, shall be submitted to the Authority.

(5) The Industrial User shall state the time, date, and exact place of the sampling it has conducted pursuant to this subsection and the methods it used to analyze the samples, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the collection system and POTWs.

(6) The Authority may allow the submission of a baseline report which provides a measurement of pollutants by utilizing only historical data, as long as the Authority concludes that the data provide sufficient information for it to determine the need for industrial pretreatment measures.

(f) Certification. The Industrial User shall submit a statement, executed by an authorized representative of the User and certified by a qualified professional as required by 40 C.F.R. 403.12(b)(6), that it is meeting all applicable Pretreatment Standards and requirements on a consistent basis or, if not, that identifies the additional operation and maintenance measures and/or the additional pretreatment measures that are required in order for it to meet the standards and requirements.

(g) Compliance Schedule. If additional operation and maintenance measures and/or additional pretreatment measures are required in order for an Industrial User to meet any Pretreatment Standard, the User shall describe the shortest schedule by which it will provide and implement such additional measures. The completion date shown on such schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

(h) Modification of Pretreatment Standards.

(1) If, at the time an Industrial User's baseline report is submitted, the User's Categorical Pretreatment Standard has been modified by a removal allowance pursuant to 40 C.F.R. 403.7, by the combined waste stream formula pursuant to 40 C.F.R. 403.6(e), or by a fundamental different factors variance pursuant to 40 C.F.R. 403.13, the information required by subsections (f) and (g) shall pertain to the modified limits.

(2) If, subsequent to the submission of an Industrial User's baseline report, the User's Categorical Pretreatment Standard is modified by a removal allowance pursuant to 40 C.F.R. 403.7, by the combined waste stream formula pursuant to 40 C.F.R. 403.6(e), or by a fundamentally different factors variance pursuant to 40 C.F.R. 403.13, the User shall submit to the Authority all amendments to the information required by subsections (f) and (g) within 60 days after the modified limit is approved.

(i) Compliance Schedule Progress Report. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report on compliance with the increment of progress to be met on that date, and if not, the date on which it expects to comply, 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 nine months elapse between such progress reports.

3.4.2 Report on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with an applicable Categorical Pretreatment Standard or, in the case of a new source, following commencement of the introduction of wastewater into a POTW, any Industrial User subject to the Pretreatment Standard and its requirements shall submit to the Authority a report containing the information described in Section 3.4.1(d) through (f). For Industrial Users subject to equivalent mass or concentration limits established by the Authority in accordance with the procedures in 40 C.F.R. 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production, or other measure of operation, this report shall include the User's actual production during the appropriate sampling period.

3.4.3 Periodic Compliance Reports

(a) All Industrial Users subject to Pretreatment Standards, after the compliance date of the standard or, in the case of a new source, after commencement of its discharge into a POTW, shall submit not less than two (2) times per year, unless required more frequently

in the Pretreatment Standard or by the Authority, a report stating the nature and concentration in the User's effluent of the pollutants which are limited by each Pretreatment Standard applicable to the User. This report shall also include a record of measured or estimated average and maximum daily flows during the reporting period for the discharge reported in Section 3.4.1(d), except that the Authority may require a more detailed report of the flows. At the Authority's discretion and in consideration of such factors as local high or low flow rates, holidays, budget cycles and similar factors, the Authority may agree to alter the months during which the reports required by this subsection shall be submitted. In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User must submit documentation required by the Authority or the Pretreatment Standard necessary to determine the compliance status of the User.

(b) Where the Authority has imposed mass limitations on Industrial Users, as provided for by 40 C.F.R. 403.6(d), the report required by subsection (a) shall indicate the mass of pollutants regulated by the applicable Pretreatment Standards in the discharge from the Industrial User.

(c) For Industrial Users subject to equivalent mass or concentration limits established by the Authority in accordance with the procedures in 40 C.F.R. 403.6(c), the report required by subsection (a) shall contain a reasonable measure of the User's long-term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production, or other measure of operation, the report required by subsection (a) shall include the User's actual average production rate for the reporting period.

(d) The User shall report all monitoring results collected at the prescribed monitoring point as specified in the wastewater permit.

3.4.4 Reports of Changed Discharge

(a) Each User must notify the Authority, in writing, of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater, at least thirty (30) days prior to the change.

(b) The Authority may require the User to submit such information as may be determined necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Permit application under Section 3.2.1 et seq..

(c) The Authority may issue a Wastewater Discharge Permit under Section 3.2.1 et seq. or modify an existing Wastewater Discharge Permit in response to changed conditions or anticipated changed conditions.

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

3.4.5 Reports from Unpermitted Sources

All Users not required to obtain a Wastewater Discharge Permit shall provide reports to the Authority as required by the Authority.

3.4.6 Notification of Hazardous Waste Discharge

(a) Users shall notify the Authority, the EPA Regional Waste Management Division Director, and the DEQ Waste Division in writing of any discharge into a POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261 or 9 VAC 20-60. Such notification must include the name of the hazardous waste as set forth therein, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kg of such waste per calendar month to a POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User:

- (1) An identification of the hazardous constituents contained in the wastes;
- (2) An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month;
- (c) An estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve months; and
- (d) All hazardous waste discharge notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged.

(b) Users are exempt from the requirements of subsection (a) during a calendar month in which they discharge no more than fifteen (15) kg of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kg of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the event that new regulations are promulgated under the federal or Virginia

hazardous waste programs identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User shall notify the Authority, the EPA Regional Waste Management Waste Division Director, and the DEQ Waste Division of the discharge of such substance within ninety (90) days of the effective date of the regulations.

(d) In the case of any notification made under Section 3.4.6, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This Section does not create a right to discharge any substance not otherwise permitted to be discharged under a permit issued under these regulations or pursuant to applicable Federal, State, or local law.

3.4.7 Report Submission

All written reports which are required to be submitted to the Authority will be deemed to have been submitted on the date postmarked by the United States Postal Service. For any report which is not deposited, postage prepaid, into a mail facility serviced by the United State Postal Service, the date of the Authority's receipt of the report shall govern.

3.4.8 Recordkeeping Requirements

All records which the Authority requires to be maintained by a User shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation involving the User or the Authority, or where the User has been specifically notified of a longer retention period by the Authority.

3.4.9 Confidential Information

Upon written request by any User furnishing a report, permit application, or questionnaire, those portions of any document which might disclose Confidential Information shall not be made available to the public. The physical/chemical characteristics of a User's wastewater will not be recognized as confidential information.

3.4.10 Signatory and Certification Requirements for Reports

All reports, data, product and materials information, and other information required by the Authority to be maintained by Users shall be submitted to the Authority upon request. All reports submitted to the Authority shall be signed by a representative of the User who is authorized to make a certification on behalf of the User, and shall include the following

certification:

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

3.4.11 Information Requests to Users

The Authority may request that a User submit information on the nature and characteristics of its wastewater. The User shall provide this information within sixty (60) days of the request. The Authority is authorized to prepare a form for this purpose and may periodically require Users to update all information which has been provided in accordance with this Section.

PART IV. ENFORCEMENT

Section 1. Administrative Enforcement Remedies

4.1.1 Notice of Violation

(a) A Notice of Violation is a written notice to a User by the Authority that the Authority has determined that the User has violated a Pretreatment Standard or another requirement of these regulations. Within five days of receipt of a Notice of Violation, the User shall inform the Authority in writing of the reasons for the violation and the actions it intends to take to correct the violation, after which the User shall proceed to undertake those actions and correct the violation.

(b) Nothing in this Section shall limit the authority of the Authority to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

4.1.2 Show Cause Orders and Hearings

(a) Notwithstanding any other provision in this Section, the Authority may order a User that has violated, or continues to violate, any provision of these regulations, a Wastewater Discharge Permit, or Order issued hereunder, or any other Pretreatment Standard or requirement, to appear before the Authority and show cause why a proposed enforcement action should not be taken.

(b) Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken.

(c) The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing, which shall be informal. Such notice may be served on any authorized representative of the User.

(d) Following the show cause hearing, the Authority may take such any action as it deems appropriate, including but not limited to revocation of the User's permit, issuance of a written Order that discharges be ceased immediately or after a specified period of time, or any other action available to the Authority under this Part. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

4.1.3 Cease and Desist Orders

(a) When the Authority finds that a User has violated, or continues to violate, any provision of these regulations, a Wastewater Discharge Permit, or Order issued

hereunder, or any other Pretreatment Standard or requirement, or that the User's past violations are likely to recur, the Authority may issue an Order to the User directing it to cease and desist all such violations and directing the User to:

(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(b) Issuance of a Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the User.

4.1.4 Consent Orders

The Authority may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative Enforcement Orders issued pursuant to Section 4.1.5 of these regulations, shall be judicially enforceable, and may include agreed-to civil penalties. Issuance of a Consent Order shall not be a bar to, or a prerequisite for, taking any other action against the User.

4.1.5 Enforcement Orders and Administrative Civil Penalties

(a) When the Authority finds that a User has violated, or continues to violate, any provision of these regulations, a Wastewater Discharge Permit, or Order issued hereunder, or any other Pretreatment Standard or requirement, after providing an opportunity for a hearing before an Authority representative, the Authority may issue an Enforcement Order to the User responsible for the discharge directing that the User come into compliance within a specified time. The User may also be assessed an Administrative Civil Penalty and any civil liability pursuant to Section 4.1.6 via the issuance of an Enforcement Order after an opportunity for a hearing as provided in Va. Code § 15.2-2122(10)(a). No such Civil Penalty shall exceed \$32,500 per violation, or \$100,000 per Enforcement Order, except with the consent of the User. The actual amount of any Penalty assessed shall be based on the severity of the violations, the extent of any potential or actual environmental harm or facility damage, the compliance history of User, any economic benefit realized from the noncompliance, and the ability of the User to pay the Penalty.

(b) These provisions shall not preclude the Authority from proceeding directly in Virginia

Circuit Court to compel compliance with the regulations, any permit, Consent Order or Enforcement Order, nor be interpreted as limiting any otherwise applicable legal remedies or sanctions. Each day during which a violation is found to have existed shall constitute a separate violation, and any Administrative Civil Penalties imposed shall be applied to the purpose of abating, preventing, or mitigating environmental pollution. Not by way of limitation, the Authority shall consider such civil penalties in the event of any of the following:

(1) Violation by a User within a three year period of the assessment of a Civil Penalty against such User, or such User's consent thereto, for the same or a similar violation;

(2) Any intentional violation of these regulations, any permit, Consent Order, or Enforcement Order;

(3) Any falsification of records or reports; and

(4) Any violation resulting in environmental harm or facility damage.

(c) Enforcement Orders also may contain other requirements to address the User's noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. An Enforcement Order may not extend the deadline for compliance established for a Pretreatment Standard or requirement, nor does an Enforcement Order relieve the User of liability for any violation, including any continuing violation.

(d) Any Enforcement Order issued by the Authority, whether or not it assesses a Civil Penalty, shall inform the User of its right to judicial review of any final Order by appeal to Circuit Court on the record of proceedings before the Authority. To commence an appeal the User shall file a petition in Circuit Court within 30 days of the date of the Order, and failure to do so shall constitute a waiver of the right to appeal. With respect to matters of law, the burden shall be on the party seeking review to designate and demonstrate an error of law subject to review by the court. With respect to issues of fact, the duty of the court shall be limited to ascertaining whether there was substantial evidence in the record to reasonable support such findings.

(e) Issuance of an Enforcement Order shall not be a bar against, or a prerequisite for, taking any other action against the User.

4.1.6 Civil Liability and Cost Recovery

Any User who violates any provision of these regulations, a Wastewater Discharge

Permit, or Order issued hereunder, or any other Pretreatment Standard or requirement shall also be financially responsible and liable to the Authority for all costs incurred by the Authority associated with the violation(s), including, but not limited to, the following:

- (a) Cost of mileage and labor incurred in detecting, investigating, and correcting the violation;
- (b) Laboratory analysis costs associated with detecting, investigating, and correcting the violation;
- (c) Additional treatment costs caused by the violation or associated with detecting, investigating, and correcting the violation;
- (d) Costs of any additional equipment acquired or expended by the Authority for detecting, investigating, or correcting the violation;
- (e) Repair and/or replacement of any part of a POTW damaged as a result of the violation;
- (f) Any liability, damages, fines, or penalties incurred by the Authority as a result of the violation;
- (g) Any and all expenses of outside professionals to include, but not be limited to, engineers, scientists, and/or legal counsel;
- (h) Other costs as are associated with the detecting, investigating, and correcting of the violations.

4.1.7 Emergency Suspensions

- (a) The Authority may immediately suspend a User's discharge, after informal notice to the User to the extent practicable, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Authority may also immediately suspend a User's discharge, after notice and opportunity to respond to the extent practicable, that threatens to interfere with the operation of a POTW, or which presents, or may present, an endangerment to the environment.
- (b) Any User notified of a suspension of its authorization to discharge shall immediately stop or eliminate its discharging. In the event of a User's failure to immediately comply with a Suspension Order, the Authority may take such steps and measures as determined necessary, including immediate severance of the sewer connection, to prevent or minimize damage to a POTW or its receiving stream, or endangerment to any

individuals. Except where a notice of termination of discharge authorization under Section 4.1.8 has been instituted against the User, the Authority may allow the User to recommence its discharge when the User has demonstrated, to the satisfaction of the Authority, that the grounds for the Suspension Order have been eliminated.

(c) A User that is responsible, in whole or in part, for a discharge that presents imminent danger shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Authority, prior to the date of any show cause or other hearing under this Part.

(d) Nothing in Section 4.1.7 shall be interpreted as requiring a hearing prior to any Emergency Suspension by the Authority. Exercise of this option by the Authority shall not be a bar to, or a prerequisite for, taking any other action against the User.

4.1.8 Termination of Service and Revocation of Permits

(a) Notwithstanding any other provision in this Part, if the Authority determines that a User violates any of the following conditions, then the Authority may, after providing notice to the User and an opportunity to rebut the Authority's determination, suspend wastewater treatment service, including collection and treatment services, to the User:

- (1) Violation of individual Wastewater Discharge Permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- (5) Violation of the Pretreatment Standards in Part II of these regulations.

(b) Notwithstanding any other provision in this Part, if the Authority determines that a User's continued discharge into the collection system and a POTW will violate these regulations, federal, state or local law, or regulations and requirements issue pursuant to such law, then the Authority may, after providing notice to the User and an opportunity to rebut the Authority's determination, revoke any permits issued to the User under the provisions of these regulations.

(c) Exercise of this option by the Authority shall not be a bar to, or a prerequisite for,

taking any other action against the User.

Section 2. Judicial Enforcement Remedies

4.2.1 Injunctive Relief

(a) When the Authority finds that a User has violated, or continues to violate, any provision of these regulations, a Wastewater Discharge Permit, or Order issued hereunder, or any other Pretreatment Standard or requirement, the Authority may petition the Circuit Court through the Authority's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Wastewater Discharge Permit, Order, or other requirement imposed by these regulations on activities of the User. In any such action the court shall grant an injunction without requiring a showing of a lack of an adequate remedy at law.

(b) The Authority may also seek other appropriate legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, the taking of any other enforcement action against a User.

4.2.2 Judicial Cost Recovery

In addition to the penalties provided herein, the Authority may recover reasonable attorney's fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the User found to have violated these regulations or the Orders, rules, regulations, and permits issued hereunder.

PART V. MISCELLANEOUS PROVISIONS

Section 1. General

5.1.1 Special Agreements

(a) A special agreement or arrangements between the Authority and a User may be established with respect to the issuance of a Wastewater Discharge Permit when, in the opinion of the Authority and User, unusual or extraordinary circumstances compel special terms and conditions. In no case shall allowable discharge be in excess of national Categorical Standards or the general and specific prohibitions of Section 2.1.1.

(b) No statement contained in these regulations shall be construed as preventing any special agreement or arrangement between the Authority and any User, whereby an industrial waste of unusual strength or character may be accepted by the Authority for treatment, subject to payment of specified charges by the industrial concern.

5.1.2 Annual Notice of Significant Noncompliance

The Authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the Authority, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and requirements. A User shall, for purposes of this Section, be in Significant Noncompliance for any of the following reasons:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or requirement, including Instantaneous Limits;

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or requirement including Instantaneous Limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a Pretreatment Standard or requirement as defined by Part II (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

- (d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Authority's exercise of its emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual Wastewater Discharge Permit or Enforcement Order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance; or
- (h) Any other violation(s), which may include a violation of Best Management Practices, which the Authority determines will adversely affect the operation or implementation of the local pretreatment program.

5.1.3 Conflict

Any rules and regulations inconsistent or conflicting with any part of these regulations are hereby repealed to the extent of such inconsistency or conflict.

5.1.4 Severability

If any provision, paragraph, word, Section, or article of these regulations is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, Sections, and chapters shall not be affected and shall continue in full force and effect.