VOLUME 2 - RULES AND REGULATIONS

Part A - Rules and Regulations

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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 General Manager, Fauquier County Water and Sanitation Authority, 7172 Kennedy Road, Vint Hill Farms, 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 land owners 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.

C. 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.

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 reinspect 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 demand 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 judgement, 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 - 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.

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 - 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 will be charged to each new Applicant to pay for the right to connect to the Authority's water and/or sewer system.

B. Availability Fee Determination - The General Manager shall determine the meter size for all residential, commercial and industrial uses by existing or planned fixture count, in accordance with the procedures set forth by the American Water Works Association AWWA Manual M-22, Sizing Water Service Lines and Meters, and as indicated by Figures 4-2 and 4-3 therein. All fees required will be assessed at the time of application in accordance with Volume 2, Part B – Schedule of Rates, Fees and Other Charges of the Authority's *Operating Code*.

C. Minimum Meter Size - The minimum meter size for any unit is 5/8" x 3/4

D. Water Demand Charges – The Authority assesses a flat monthly 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.

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 1/12 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 drainfield 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.

J. Connection Period - Availability gives the Applicant a right to connect 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 no obligation, to discontinue its assignment of any unconnected Availability by the refund of Availability Fees to the Applicant.

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 Residential

A. The entirety of Section 7.1 shall apply to Residential properties.

B. All 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 residential unit on the same parcel but under different ownership shall be individually metered.

7.3 Commercial

A. The entirety of Section 7.1 and 7.2 shall apply to commercial properties.

B. Apartment buildings and condominiums 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 which ever 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 judgement 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.

D. 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

8. 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

8. 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 Subsciber'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 B, Section 3.8 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 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 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 requmng 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 *(1)*	**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 Surcharges (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 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.

2.3 Marshall Water System Water Availability Fee Surcharges (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 SIZING AND FEES

Required Meter Size *(iv)*	**Monthly Base Service Fees**	
	Water $	**Sewer** $
5/8" x 3/4"	25.59	25.86
Full 3/4" (3/4")	38.39	38.78
One Inch (1")	63.98	64.64
One & One Half (1 1/2")	127.97	129.28
Two Inch (2")	204.75	206.85
Three Inch (3")	447.89	452.49
Four Inch (4")	767.81	775.69

(iv) Base Service 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 Base Service Fees for the costs of the services provided to their particular account.

2.5 Usage Fees

A. Water Usage Fees *(vi)*

Monthly Water Usage Fees

Gallons (per 1,000)			Water $
0		2,000 gallons	4.06
2,001		10,000 gallons	5.69
10,001		50,000 gallons	7.31
50,001	+	gallons	8.94

Note: Unmetered residential customers will be charged 7,000 gallons per month.

(v) Usage 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 Usage Fees for the costs of the services provided to their particular account.

B. Sewer Usage Fees *(vii)*

Monthly Sewer Usage Fees

	Sewer $
Per 1,000 gallons	8.48

Note: Unmetered residential customers will be charged 7,000 gallons per month.

(vi) Usage 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 Usage Fees for the costs of the services provided to their particular account.

2.6 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.

2.7 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.

2.8	Termination/Reconnection Charges	$75
2.9	Returned Check Fees	$25
2.10	New Account Fees	$25
2.11	Water Service Deposits	$150
2.12	Sewer Service Deposits	$150
2.13	Construction Meter Deposits	The then current cost of the meter, as may be adjusted from time to time
2.14	Meter Installation Fees	$90 plus the then current cost of the meter, as may be adjusted from time to time

2.15 Rush Meter Installation Fees — $270 plus the then current cost of the meter, as may be adjusted from time to time

2.16 Return Installation Fees — $90

2.17 Meter Replacement Fees — $90 plus the then current cost of the meter, as may be adjusted from time to time

2.18 Meter Test Fees (after first test) — $100

2.19 Unauthorized Water/Sewer Use Fees (initial charge) — $500
(additional daily charges) — $500

2.20 Septage Hauler's Fees — $20 plus $.08 per gallon

2.21 Copies of Authority Rules and Regulations — $5
Copies of Authority Utility Standards Manual — $15

2.22 Preliminary Development Plan/Plat Review Fees
(to be paid at time of preliminary plan submission)

A. Review Fee (per submission) — $200

PLUS $0.10 per linear foot of water line; and $0.20 per linear foot of sewer line.

2.23 Construction Plan Review Fees
(to be paid at time of Final Construction Plan Submission)

A. Review (per submission)

Minor- by-lot review (fee per lot up to five residential lots) — $75

Major-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 minimum charge)
$0.45 per linear foot of sewer line ($250 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

(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 per sheet will be assessed for the review of all mechanical, structural, or electrical drawings.

2.24 Final Subdivision Plat Review Fee

A. Review Fee (per submission) $100

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

2.25 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.

2.26 Inspection/Re-Inspection Fee

A. Minor Water (fee per lot up to five residential lots) per service connection $20

B. Minor Sewer (fee per lot up to five residential lots) per service connection $20

C. Water Lines - $2.00 per linear foot OR $200 minimum charge per project,

whichever is greater; PLUS $20 per service connection

D. Sewer Lines - $3.00 per linear foot OR $300 minimum charge per project, whichever is greater; PLUS $20 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

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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.

VOLUME 2 - RULES AND REGULATIONS

Part C - Cross-Connection Control Plan

Adopted: 27 June, 1995

Bonnie T. Downes

Bonnie T. Downes
Chairperson

VOLUME 2 - RULES AND REGULATIONS

Part C - Cross-Connection Control Plan

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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 insure that the waterworks is adequately protected at all times. Water service to such premises shall not be restored until the deficiencies have been corrected or eliminated in accordance with these Regulations and to the satisfaction of the purveyor.

3.2 Customers

The customers 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. On site 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 Valves - (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 hazard 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.

	Type of Facility	**Minimum Typical Protection**
(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 effect 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:

Situation	**Minimum Typical Protection**
(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:

Class	**Minimum Typical Protection**
A. Class 1 - A closed automatic fire system without pumper connection; A system having 20 heads or less	NONE
B. Class 2 - A closed automatic fire system with pumper connection	DCVA
C. Class 3 - A closed automatic fore 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 1,700 feet of the pumper connection	RP
D. Class 4 - 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 occur	RP

(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 pollutional 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.

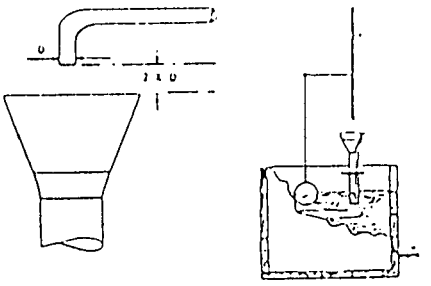
Note: Any device, equipment, or situation not covered by this cross-connection policy, which may constitute a potential health hazard, will be examined for appropriate treatment by the Authority.

6.6 Typical Backflow Prevention Devices (Illustrated)

The following are illustrations of typical backflow devices.

1 AIR-GAP

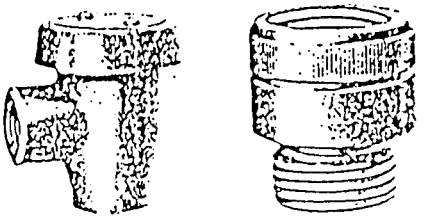
Air Gap is the physical separation of the potable and non-potable system by an air space. The vertical distance between the supply pipe and the flood level rim should be two times the diameter of the supply pipe, but never less than 1". The air gap can be used on a direct or inlet connection and for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



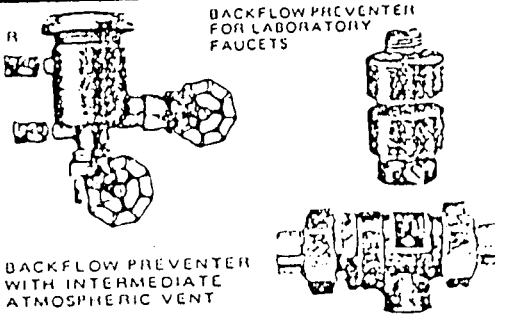
ATMOSPHERIC TYPE VACUUM BREAKER

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 ½" and ¾" pressure type vacuum breakers and in addition, provide protection against back pressure.



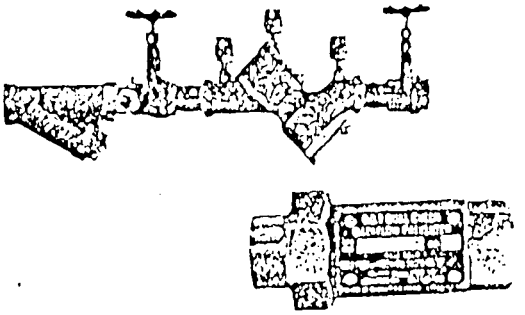
PRESSURE TYPE VACUUM BREAKER

BACKFLOW PREVENTER FOR LABORATORY FAUCETS

BACKFLOW PREVENTER WITH INTERMEDIATE ATMOSPHERIC VENT

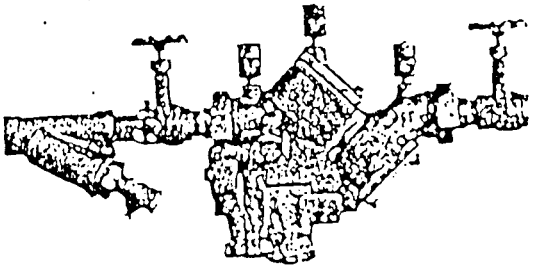
4 DOUBLE CHECK VALVE ASSEMBLY

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.



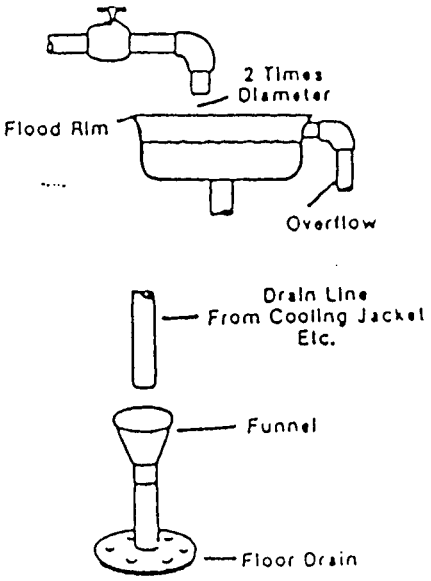
5 REDUCED PRESSURE ZONE DEVICES

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.



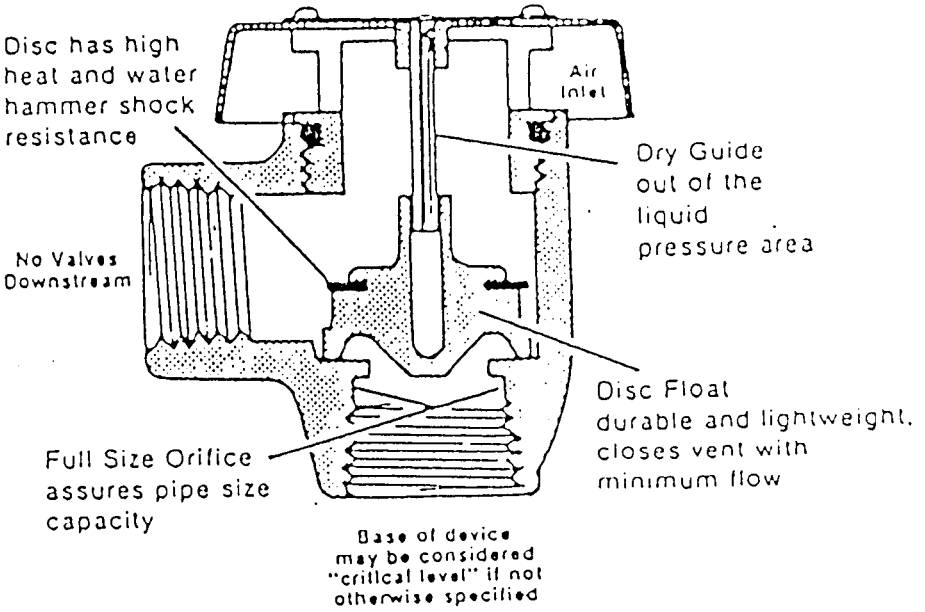
AG — Approved Air-gap

- 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

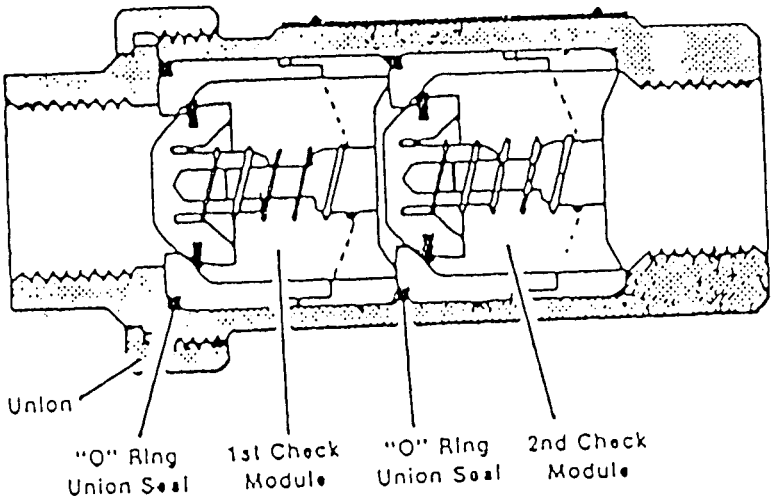
- good for most toxic and all non-toxic substances
- good for backsiphonage ONLY
- no control valves on discharge side of device
- minimum of 6" between base of device and highest outlet
- no more than 12 hours continuous service in a day
- sizes available: ¼" - 3
- ASSE Standard No. 1001



Dual Check Valves

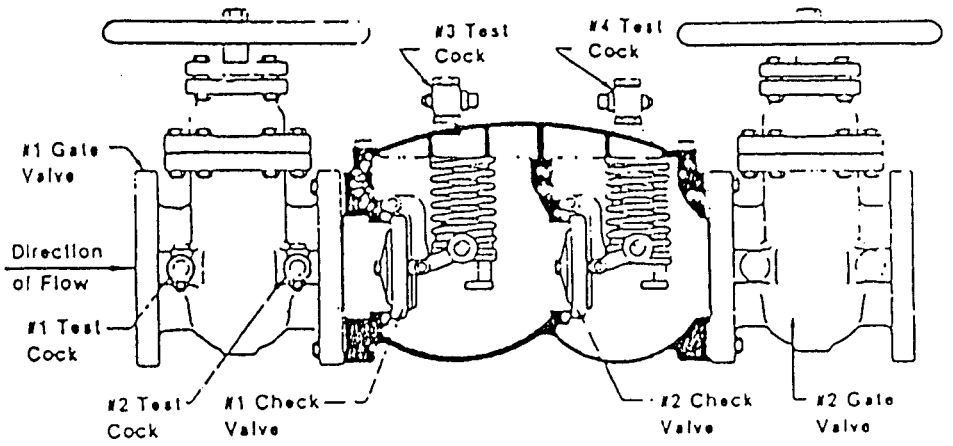
• ASSE Standard No. 1024 suited particularly for installations immediately downstream from residential water meters where potential pollutants from residences could enter the water mains.

(APPROVED FOR RESIDENTIAL USE ONLY)



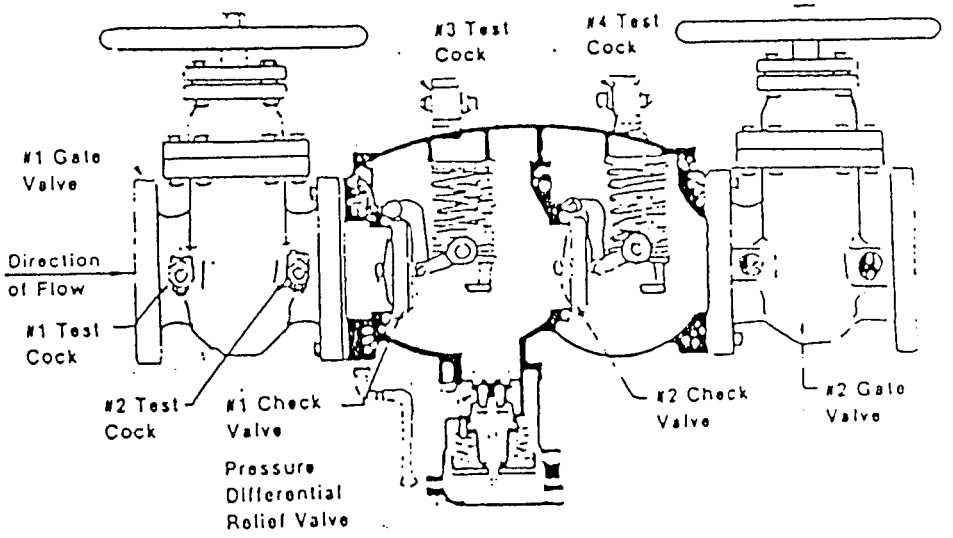
DCVA — Approved Double Check Valve Assembly

- 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: ¾" - 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: ¾" - 10"
- ASSE Standard No. 1013 or AWWA Standard C506-78

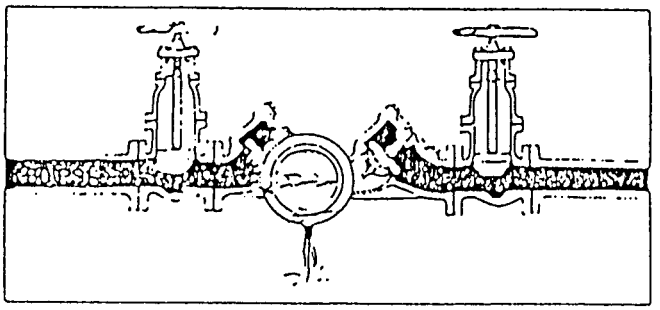


6.7 Typical Backflow Prevention Device Installations (Illustrated)

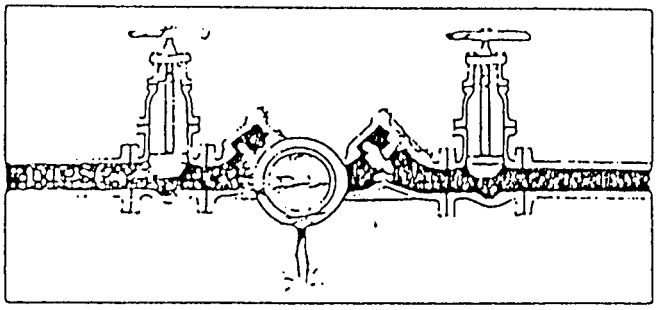
The following are illustrations of typical backflow device installations.

How Backflow Prevention Devices Work

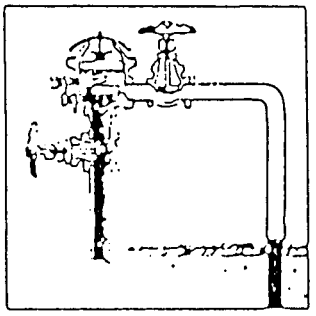
This figure shows an RP device during a back-siphonage condition. If you will notice both checks are closed tight and the pressure differential relief valve is discharging to atmosphere This is due to the fact that the relief valve is designed to maintain a lower pressure in the zone between the two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



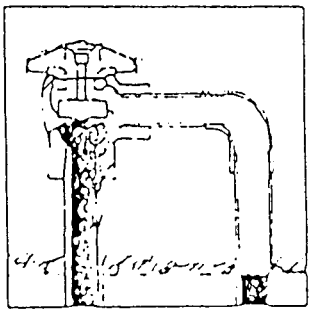
In this figure of an RP device, there is a backpressure condition. The second check is fouled with a piece of pipe scale which permits the higher pressure to flow back into the zone. Here the relief valve discharges the water to atmosphere maintaining the pressure in the zone lower than the supply pressure



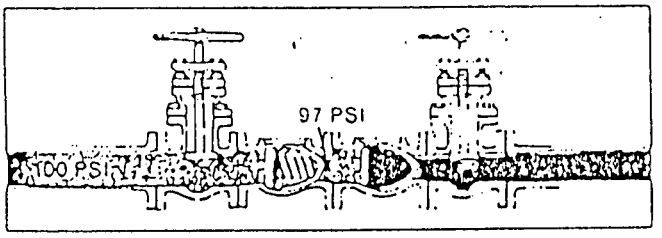
In this view of a pressure vacuum breaker, a back-siphonage condition has caused the check to close against its seat and the air-inlet has opened so that the pressure in the body of the device is atmospheric If the check was fouled by some foreign material, only air would be pulled back into the domestic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



In this picture of an atmospheric vacuum breaker, a backsiphonage 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

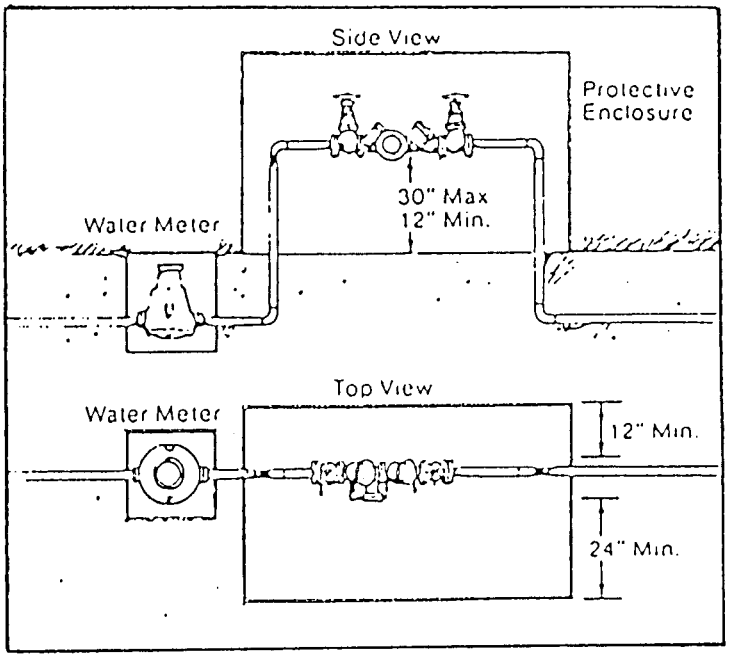


The selection of the proper type of device is important. Depending upon the fluid that can backflow, whether it is toxic or non-toxic; and whether there can be backpressure or backsiphonage; it will govern the type of device selected. The following chart will help you to decide what type of device to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

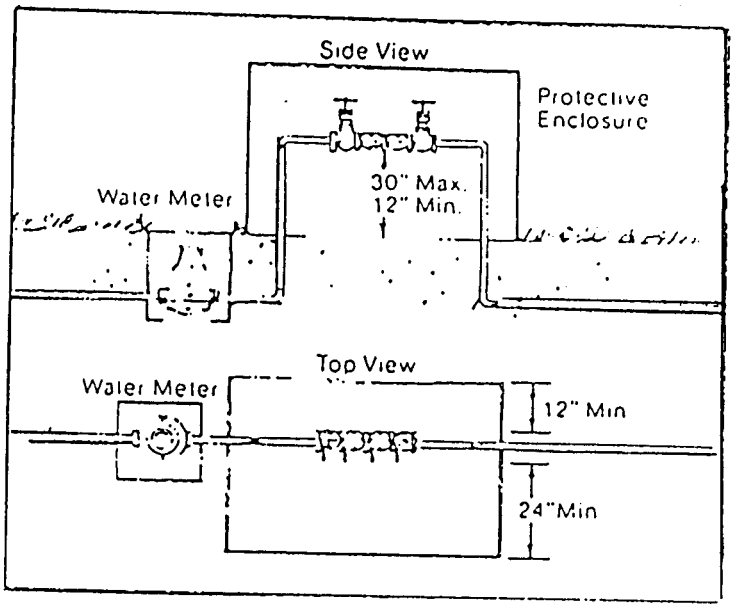
		RP	DC	PVB	AVB
Backpressure	Toxic	X			
	Non-toxic	X	X		
Backsiphonage	Toxic	X		X	
	Non-toxic	X	X	X	X

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.

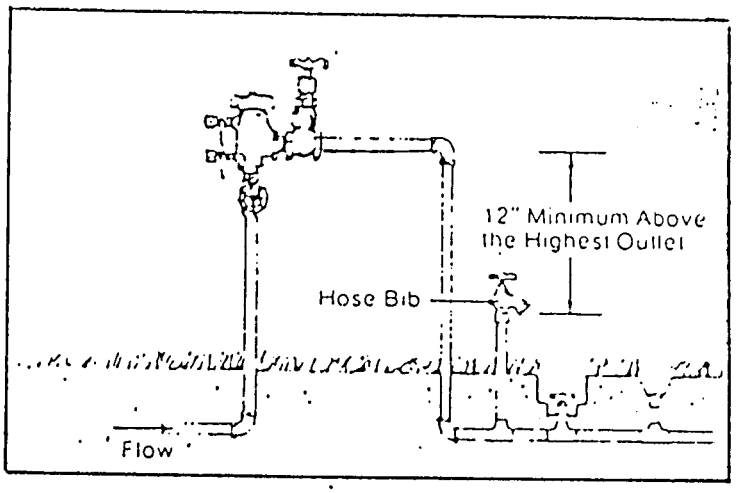
Reduced Pressure Device
In these figures, the RP device is shown on the service connection. The RP can also be used for internal protection. The minimum clearance of 12" above the floor or grade is to ensure an air gap between the relief valve and any water that might puddle beneath the device. The maximum 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.



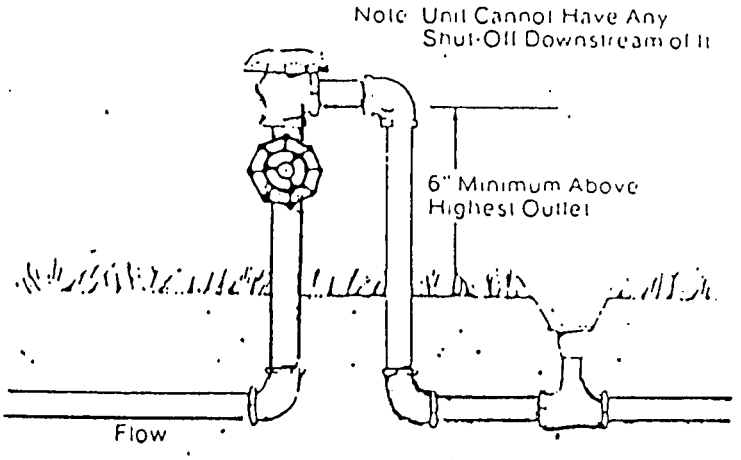
Double Check Valve
In these figures, the double check valve is shown on the service connection, it can also be used for internal protection as well. The minimum and the maximum distances are the same as they are for the RP device.



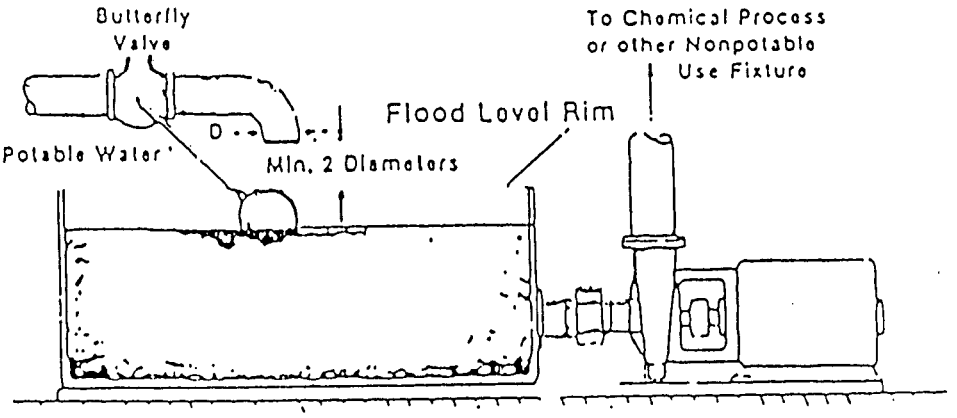
Pressure Vacuum Breaker
The pressure vacuum breaker cannot be installed where there can be backpressure, only where there can be backsiphonage. The pressure vacuum breaker can have shut-off valves downstream of the device. The PVB must be installed at least 12" above the highest outlet or, if it is feeding 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

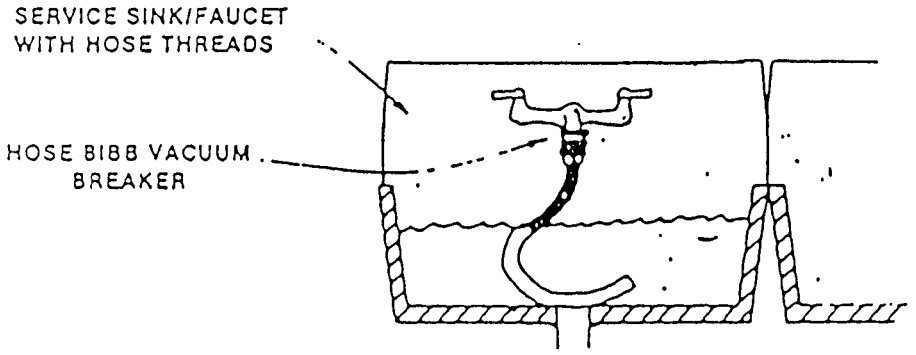


Airgap Separation

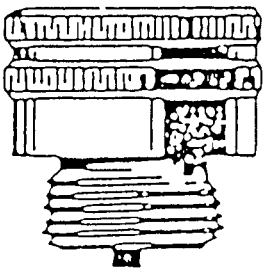


Surge tank and booster pump.

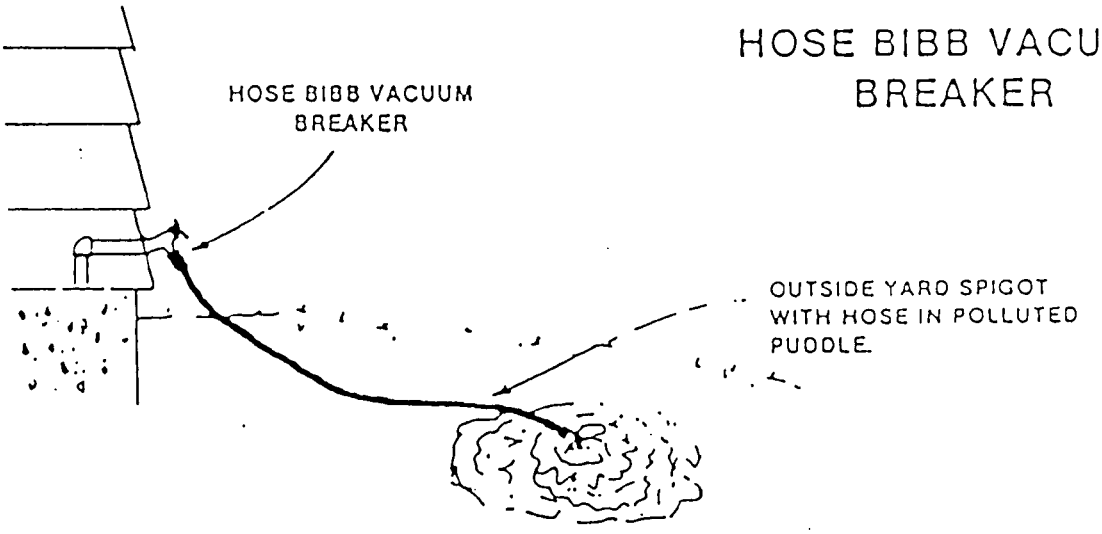
HOSE BIBB VACUUM BREAKER



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



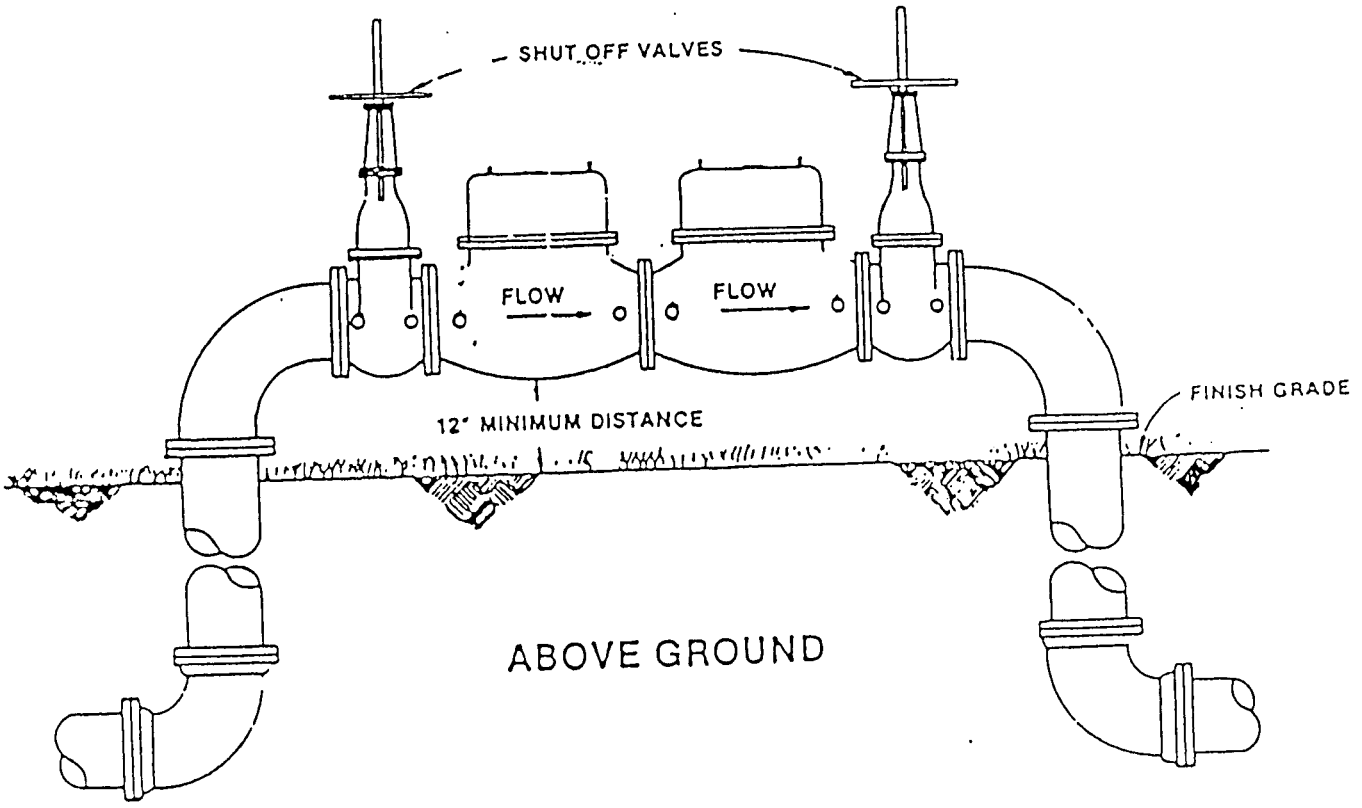
HOSE BIBB VACUUM BREAKER



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

DOUBLE CHECK VALVE ASSEMBLY

TYPICAL INSTALLATION



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.

VOLUME 2 - RULES AND REGULATIONS

Part D - Pretreatment Regulations

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VOLUME 2 - RULES AND REGULATIONS

Part D - Pretreatment Requirements

1. General Provisions

1.1 Purpose and Policy

This Article sets forth uniform requirements for direct and indirect users of the wastewater collection and treatment systems of the Publicly Owned Treatment Works (POTW) within the County, or serving the County, and enable the Authority to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (40 CFR, Part 403). The objectives of this Article is:

A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works which will interfere with its operation or contaminate the resulting sludge;

B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works which will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the Publicly Owned Treatment Works;

C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

F. To enable the Authority to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal and state laws to which the Publicly Owned Treatment Works is subject.

This Article shall apply to all users of the Publicly Owned Treatment Works. This Article authorizes the issuance of wastewater discharge permits; provides for monitoring compliance and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2Administration

Except as otherwise provided herein, the General Manager shall administer, implement and enforce the provisions of this Article. Any powers granted to or duties imposed upon the General Manager may be delegated by the General Manager to other Authority personnel.

1.3 Abbreviations

The following abbreviations, when used in these regulations, shall have the designated meanings:

BOD	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
EPA	-	Environmental Protection Agency
gpd	-	Gallons per day
l	-	Liter
mg	-	Milligrams
mg/l	-	Milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
POTW	-	Publicly Owned Treatment Works
RCRA	-	Resource Conservation and Recovery Act
SIC	-	Standard Industrial Classification
TSS	-	Total Suspended Solids
U.S.C.	-	United States Code

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Article, shall have the meanings hereinafter designated:

A. Act or "the Act" - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

B. Approval Authority - The Director of the Virginia State Water Control Board.

C. Authority - The Fauquier County Water and Sanitation Authority.

D. Authorized Representative of the User

(1) If the user is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation 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 operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second quarter 1980 dollars), if 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.

(3) If the user is a federal, state or local government 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.

(4) The individuals described in Section 1.4.D (1) through (3), above, may designate another 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. Biochemical Oxygen Demand or BOD - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five

(5) days at twenty degrees (20‘) centigrade, usually expressed as a concentration (e.g., mg/l).

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) which applies to a specific category of users and which appears in 40 CFR Chapter I, Subchapter N, Parts 405-471.

G. County - The County of Fauquier, Virginia.

H. Direct Discharge - The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Virginia.

I. Environmental Protection Agency or EPA - The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of such agency.

J. Existing Source - Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

K. General Manager - The General Manager of the Authority who is designated by the Authority to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Article, or a duly authorized representative.

L. Grab Sample - A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

M. Indirect Discharge or Discharge - The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

N. Instantaneous Maximum Allowable Discharge Limit - The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

O. Interference - A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Authority's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory

provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

P. Medical Waste - Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Q. New Source

(1) Any building, structure, facility, or installation from which there is, or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at 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 these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plants, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section 1.4.Q above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous on-site construction program

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

R. Noncontact Cooling Water - Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

S. Pass Through - A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Authority's NPDES permit, including an increase in the magnitude or duration of a violation.

T. Person - Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state and local government entities.

U. pH - A measure of the acidity or alkalinity of a solution, expressed in standard units.

V. 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).

W. Pretreatment - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the 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.

X. Pretreatment Requirements - Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Y. Pretreatment Standards or Standards - Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

Z. Prohibited Discharge Standards or Prohibited Discharges - Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1.

AA. Publicly Owned Treatment Works or POTW - A "treatment works," as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the Authority. 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. This definition specifically excludes treatment works owned and operated by an incorporated town in the County.

BB. Septic Tank Waste - Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

CC. Sewage - Human excrement and gray water (household showers, dishwashing operations, etc.).

DD. Shall is mandatory; may is permissive.

EE. Significant Industrial User

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the Authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria Section 1.4.EE.(2).(b) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Authority may at any time, on its own initiative or on response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

FF. Slug Load or Slug - Any discharge at a flow rate or concentration which would cause a violation of the prohibited discharge standards in Section 17-21(a) of this Article.

GG. Standard Industrial Classification (SIC) Code - A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

HH. State - Commonwealth of Virginia.

II. Storm Water - Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

JJ Suspended Solids - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

KK. User or Industrial User - A source of indirect discharge.

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 the POTW.

MM. Wastewater Treatment Plant or Treatment Plant - That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

2. General Sewer Use Requirements

2.1 Prohibited Discharge Standards

A. General Prohibitions

No user shall introduce or cause to be introduced, directly or indirectly, into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements.

B. Specific Prohibitions

No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which, by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH less than 5.0 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, such as, but not limited to: grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste pater, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes;

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(5) Wastewater having a temperature greater than 80°F (27°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Trucked or hauled pollutants, except at discharge points designated by the General Manager in accordance with Section 3.4 of this Article.

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) 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 the Authority's NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

(12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the General Manager;

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Medical wastes, except as specifically authorized by the General Manager in a wastewater discharge permit;

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

(16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than ten (10mg/l); or

(18) Wastewater causing two successive readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than fifty percent (50%) or any single reading over sixty percent (60%) of the Lower Explosive Limit of the meter.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.2 National Categorical Pretreatment Standards

The National Categorical Pretreatment Standards as promulgated by the EPA and codified in 40 CFR, Chapter I, Subchapter N, Parts 405-471, as amended, are incorporated herein by this reference.

A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the General Manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the General Manager shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

2.3 Modification of National Categorical Pretreatment Standards

Where the POTW achieves consistent removal of pollutants limited by federal pretreatment standards, the POTW may apply to the approval authority for modification of specific limits in the federal pretreatment standards. For purposes of this Section, "consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five (95) percent of the samples taken when measured according to the procedures set forth in section 403.7(c)(2) of (40 CFR, Part 403), "General Pretreatment Regulations for Existing and New Sources of Pollution," promulgated pursuant to the Act. The POTW may then modify pollutant discharge limits in the federal pretreatment standards

if the requirements contained in 40 CFR part 403, section 403.7 are fulfilled and prior approval from the approval authority is obtained.

2.4 State Pretreatment Standards

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

2.5 Local Limits

The Authority shall have the right to establish local pollutant limits to protect against pass through and interference. No person shall discharge wastewater containing in excess of the instantaneous maximum allowable discharge limits so established.

2.6 Special Agreements With Industrial Concerns For Treatment of Certain Industrial Waste

Nothing contained in this Article shall be construed as preventing any special agreement between the Authority and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Authority for treatment, provided that such can be accomplished without contravention of the objectives presented in Section 1.1 of this Article, applicable federal and state laws, regulations, and performance standards. Such waste shall be subject to payments and conditions stipulated to in the agreement.

2.7 Authority's Right of Revision

The Authority shall have the right to establish, by regulation or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to achieve the objectives presented in Section 1.1 of this Article, and nothing herein or anything done or permitted hereunder shall create any vested rights of any nature in any person or user.

2.8 Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The General Manager may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

3. Pretreatment of Wastewater

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.1 of this Article within the time limitations specified by EPA, the state, or the General Manager, 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 General Manager for review, and shall be deemed acceptable by the General Manager 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 such facilities as necessary to produce a discharge acceptable to the Authority under the provisions of this Article.

3.2 Additional Pretreatment Measures

A. Whenever deemed necessary, the General Manager may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Article.

B. The General Manager may require any person discharging into the POTW to install and maintain, on their property and at their 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 provided when, in the opinion of the General Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the General Manager and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, 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.

3.3 Accidental Discharge/Slug Control Plans

At least once every two (2) years, the General Manager shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The General Manager may require any user to develop, submit for approval, and implement such a plan. Alternatively, the General Manager may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

A. Description of discharge practices, including nonroutine batch discharges;

B. Description of stored chemicals;

C. Procedures for immediately notifying the General Manager of any accidental or slug discharge, as required by Section 6.6 of this Article; and

D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

A. Septic tank waste may be introduced into the POTW only at locations designated by the General Manager, and at such times as are established by the General Manager. Such waste shall not violate Section 2 of this Article or any other requirements established by the Authority. The General Manager may require septic tank waste haulers to obtain wastewater discharge permits.

B. The General Manager shall require haulers of industrial waste to obtain wastewater discharge permits. The General Manager may require generators of hauled industrial waste to obtain wastewater discharge permits. The General Manager also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Article.

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

D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler,

permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

4. Wastewater Discharge Permit Application

4.1 Wastewater Analysis

When requested by the General Manager, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The General Manager is authorized to prepare a form for this purpose and may periodically require users to update this information.

4.2 Wastewater Discharge Permit Requirement

A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the General Manager, except that a significant industrial user that has filed a timely application pursuant to Section 4.3 of this Article may continue to discharge for the time period specified therein.

B. The General Manager may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Article.

C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and shall subject the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this Article. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

4.3 Wastewater Discharge Permitting: Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of these regulations and who wishes to continue such discharges in the future, shall, within ninety (90) days after such date, apply to the General Manager for a wastewater discharge permit in accordance with Section 4.5 of this Article, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this Article except in accordance with a wastewater discharge permit issued by the General Manager.

4.4 Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for a wastewater discharge permit, in accordance with Section 4.5 of this Article, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

4.5 Wastewater Discharge Permit Application Contents

All users required to obtain a wastewater discharge permit must submit a permit application to the Authority. The General Manager may require all users to submit as part of an application the following information:

A. All information required by Section 6.1 of this Article;

B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

C. Number and type of employees, hours of operation, and proposed or actual hours of operation;

D. Each product produced by type, amount, process or processes, and rate of production;

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

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

G. Time and duration of discharges; and

H. Any other information as may be deemed necessary by the General Manager to evaluate the wastewater discharge permit application.

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

4.6 Application Signatories and Certification

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

" I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on

my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for permitting false information, including the possibility of fine and imprisonment, for knowing violations."

4.7 Wastewater Discharge Permit Decisions

The General Manager will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the General Manager will determine whether or not to issue a wastewater discharge permit. The General Manager may deny any application for a wastewater discharge permit.

5. Wastewater Discharge Permit Issuance Process

5.1 Wastewater Discharge Permit Duration

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

5.2 Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the General Manager to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Wastewater discharge permits shall contain:

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

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to the Authority in accordance with Section 5.5 of this Article, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(3) Effluent limits based on applicable pretreatment standards;

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

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

B. Wastewater discharge permits may contain, but need not be limited to, the following additional conditions:

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

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

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

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

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

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

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

(8) Other conditions as deemed appropriate by the General Manager to ensure compliance with these regulations, and state and federal laws, rules, and regulations.

5.3Wastewater Discharge Permit Appeals

The General Manager shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the General Manager to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

D. If the General Manager fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied.

E. Any user, permit applicant or permit holder aggrieved by any decision not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit made by the General Manager may, within ten (10) days after notification of the such decision, file a written appeal with the Authority. The written appeal will be heard by the Authority within forty-five (45) days from the date of filing. The Authority will make a final ruling on the appeal within fifteen (15) days of the close of the meeting at which the appeal is considered. The decision of the General Manager shall remain in effect during the pendency of the appeal. Final rulings by the Authority shall be considered final administrative actions for purposes of judicial review.

5.4 Wastewater Discharge Permit Modification

The General Manager may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

A. To incorporate any new or revised federal, state, or local pretreatment standard or requirements;

B. To address significant alterations or additions to the user's operation, processes, wastewater volume or character since the time of wastewater discharge permit issuance;

C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

D. Information indicating that the permitted discharge poses a threat to the Authority's POTW, Authority personnel, or the receiving waters;

E. Violation of any terms or conditions of the wastewater discharge permit;

F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

H. To correct typographical or other errors in the wastewater discharge permit; or

I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

5.5 Wastewater Discharge Permit Transfer

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

A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

B. Identifies the specific date on which the transfer is to occur; and

C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

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

5.6 Wastewater Discharge Permit Revocation

The General Manager may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

A. Failure to notify the General Manager of significant changes to the wastewater prior to the changed discharge;

B. Failure to provide prior notification to the General Manager of changed conditions pursuant to Section 6.3 of this Article;

C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

D. Falsifying self-monitoring reports;

E. Tampering with monitoring equipment;

F. Refusing to allow the General Manager timely access to the facility premises and records;

G. Failure to meet effluent limitations;

H. Failure to pay fines;

I. Failure to pay sewer charges;

J. Failure to meet compliance schedules;

K. Failure to complete a wastewater survey or the wastewater discharge permit application;

L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Article.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

5.7 Wastewater Discharge Permit Reissuance

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this Article, a minimum of one hundred twenty (120) days prior to the expiration of the user's existing wastewater discharge permit.

5.8 Regulation of Waste Received from Other Jurisdictions

A. If another jurisdiction, or user located within another jurisdiction, contributes wastewater to the POTW, the General Manager shall enter into an interjurisdictional agreement with the contributing jurisdiction.

B. Prior to entering into an agreement required by paragraph 1 above, the General Manager shall request the following information from the contributing jurisdiction:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction;

(2) An inventory of all users located within the contributing jurisdiction that are discharging to the POTW; and

(3) Such other information as the General Manager may deem necessary.

C. An interjurisdictional agreement, as required by paragraph A, above, shall contain the following conditions:

(1) A requirement for the contributing jurisdiction to adopt a sewer use ordinance which is at least as stringent as these regulations and local limits which are at least as stringent as those set out in Section 2.4 of this Article. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Authority's regulations or local limits;

(2) A requirement for the contributing jurisdiction to submit a revised user inventory on at least an annual basis.

(3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing jurisdiction; which of these activities will be conducted by the General Manager; and which of these activities will be conducted jointly by the contributing jurisdiction and the General Manager;

(4) A requirement for the contributing jurisdiction to provide the General Manager with access to all information that the contributing jurisdiction obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing jurisdiction's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing jurisdiction's discharge;

(7) A provision ensuring the General Manager access to the facilities of users located within the contributing jurisdiction's boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the General Manager; and

(8) A provision specifying remedies available for breach of the terms of the interjurisdictional agreement.

6. Reporting Requirements

6.1 Baseline Monitoring Reports

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

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

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

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

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

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

(5) Measurement of Pollutants

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

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the General Manager, of regulated pollutants in the discharge from each

regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this Article.

(c) Sampling must be performed in accordance with procedures set out in Section 6.11 of this Article.

(6) Certification - A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) Compliance Schedule - If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.2 of this Article.

(8) Signature and Certification - All baseline monitoring reports must be signed and certified in accordance with Section 6.6 of this Article.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1.B.(7) of this Article.

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

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

C. The user shall submit a progress report to the General Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance

including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

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

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the General Manager a report containing the information described in Section 6.1.B.(4-6) of this Article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.6 of this Article.

6.4. Periodic Compliance Reports

(1) All significant industrial users shall, at a frequency determined by the General Manager but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 17-23(f) of this Article.

(2) 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 the sample results are unrepresentative of its discharge.

(3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the General Manager, using the procedures prescribed in Section 17-25(k) of this Article, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

Each user must notify the General Manager 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 ninety (90) days before the change.

A. The General Manager may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this Article.

B. The General Manager may issue a wastewater discharge permit under Section 4.7 of this Article or modify an existing wastewater discharge permit under Section 5.4 of this Article in response to changed conditions or anticipated changed conditions.

C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants.

6.6. Reports of Potential Problems

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

B. Within five (5) days following such discharge, the user shall, unless waived by the General Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Article.

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

6.7 Reports from Unpermitted Users

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

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the General Manager within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the General Manager within thirty (30) days after becoming aware of the violation. The user is not required to resample if the General Manager monitors at the user's facility at least once a month, or if the General Manager samples between the user's initial sampling and when the user receives the results of this sampling.

6.9 Notification of the Discharge of Hazardous Waste

The discharge of hazardous waste is strictly prohibited.

6.10 Analytical Requirements

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

6.11 Sample Collection

A. Except as indicated in Section B, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the General Manager may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

6.12 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.13 Record Keeping

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

7. Compliance Monitoring

7.1 Right of Entry: Inspection and Sampling

The General Manager shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Article and any wastewater discharge permit or order issued hereunder. Users shall allow the General Manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the General Manager will be permitted to enter without delay for the purpose of performing specific responsibilities.

B. The General Manager shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

C. The General Manager may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated quarterly 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 General Manager and shall not be replaced. The costs of clearing such access shall be born by the user.

E. Unreasonable delays in allowing the General Manager access to the user's premises shall be a violation of this Article.

8. Confidential Information

8.1 Confidential Information

Information and data on a user obtained from report, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the General Manager's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the General Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

9. Publication of Users in Significant Noncompliance

9.1 Publication of Users in Significant Noncompliance

The General Manager shall publish annually, in the newspaper with the largest circulation within the County, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six- (6-) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

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 daily maximum limit or the average limit 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 discharge violation that the General Manager believes 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 pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the General Manager'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 deadline contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within thirty (30) 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 the General Manager determines will adversely affect the operation or implementation of the local pretreatment program.

10. Enforcement Remedies

10.1 Notification of Violation

When the General Manager finds that a user has violated, or continues to violate, any provision of this Article, a wastewater discharge permit or agreement entered into hereunder, or any other pretreatment standard or requirement, the General Manager may serve upon that user a written notice stating the nature of the violation and calling for immediate compliance. Within fifteen (15) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the General Manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of this notice. Nothing in this section shall limit the authority of the General Manager to take any action, including emergency actions or any other enforcement action, without first issuing notice of a violation.

10.2 Emergency Suspensions of Wastewater Treatment Service

The General Manager may immediately suspend wastewater treatment service and/or a wastewater discharge permit, after providing notice to the user verbally, either in-person or by telephone, whenever, in the opinion of the General Manager, 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 General Manager may also immediately suspend the wastewater treatment service and/or a wastewater discharge permit, after notice and opportunity to respond, whenever the user's discharge threatens to interfere with the operation of the POTW, or presents, or may present, an endangerment to the environment.

A. Any user notified of a suspension of its wastewater treatment service and/or wastewater discharge permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the General Manager may take such steps as deemed necessary, including immediate cessation of the water supplied to the premises and severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The General Manager may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the General Manager that the period of endangerment has passed, unless termination proceedings pursuant to Section 10.4 of this Article have been initiated against the user.

B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the General Manager within fifteen (15) days of the date of occurrence.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

10.3 Termination of Wastewater Treatment Service

In addition to the provisions for revoking discharge permits set forth in Section 17-24(f) of this Article, any user who violates the following conditions is subject to termination of wastewater treatment service and/or revocation of a wastewater discharge permit:

A. Violation of wastewater discharge permit conditions;

B. Failure to accurately report the wastewater constituents and characteristics of its discharge;

C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or

E. Violation of the pretreatment standards in Section 2 of this Article.

Such user will be notified of the proposed termination of wastewater treatment service and/or the proposed revocation of its wastewater discharge permit and be offered an opportunity to show cause why the proposed action should not be taken as provided in Section 10.4 of this Article. Exercise of this option by the General Manager shall not be a bar to, or a prerequisite for, taking any other action against the user.

10.4 Termination Proceedings

A. Notice - The General Manager may direct any user who causes or allows an unauthorized discharge to enter the POTW to show cause why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Authority regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Authority why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

B. Hearing - The Authority may itself conduct the hearing and take the evidence, or may designate any of its members or any of its officers or employees to:

(1) Issue, in the name of the Authority, notices of the hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(2) Take the evidence; or

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Authority for action thereon.

C. Record - At any hearing held pursuant to this Section, testimony taken shall be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of a reasonable charge therefor.

D. Action - After the Authority has concluded the hearing or reviewed the report and recommendations referred to in B.(3) above, it may direct the user responsible for the discharge that unless the user installs, within a specified period of time, adequate treatment facilities, devices or other related appurtenances on existing treatment facilities and ensures that such additional facilities, devices or other related appurtenances are properly operated, wastewater treatment service will be discontinued. The Authority may issue further directives as are necessary and appropriate.

10.5 Injunctive Relief

When the General Manager 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 commence an action in any circuit court of this commonwealth 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 this Article on the activities of the user. The Authority may also seek such other action as is appropriate for 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, taking any other action against a user.

10.6 Criminal Prosecution

A. A user who willfully or negligently violates any provision of this Article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine

of not more than one thousand dollars ($1,000) per violation, per day, or imprisonment for not more than thirty (30) days, or both for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

B. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Article, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these regulations shall, upon conviction, be punished by a fine of not more than one thousand dollars ($1,000) per violation, per day, or imprisonment for not more than thirty (30) days, or both for each offense.

10.7 Attorneys Fees, Court Costs and Related Expenses

In addition to the penalties provided herein, the Authority may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law or equity against the person found to have violated this article or the permits issued hereunder.

10.8 Remedies Nonexclusive

The remedies provided for in this Article are not exclusive. The General Manager may take any, all, or any combination of these actions on behalf of the Authority against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Authority's enforcement response plan. However, the General Manager may take other action against any user when the circumstances warrant. Further, the General Manager is empowered to take more than one enforcement action against any noncompliant user.

11. Supplemental Enforcement Action

11.1 Performance Bonds

The General Manager may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Article, a previous wastewater discharge permit, or other issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the Authority, in a sum not to exceed a value determined by the General Manager to be necessary to achieve consistent compliance.

11.2 Liability Insurance

The General Manager may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Article, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

11.3 Water Supply Severance

Whenever a user has violated or continues to violate any provision of this Article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

12. Affirmative Defenses to Discharge Violations

12.1 Upset

A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph C. below are met.

C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The user has submitted the following information to the General Manager within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):

(a) A description of the indirect discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

12.2 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1.A of this Article or the specific prohibitions in Sections 2.1.B.(3) through (7) and 2.1.B.(9) through (18) of this Article if it can prove that it did not know, or have reason to know, that its discharge, along or in conjunction with discharges from other sources, would cause pass through or interference and that either:

A. A local limit exists for each pollutant discharge and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Authority was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

12.3 Bypass

A. For the purposes of this section,

(1) Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.

(2) Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraph C. and D. of this section.

C. (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the General Manager, at least ten (10) days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the General Manager of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The General Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. (1) Bypass is prohibited, and the General Manager may take an enforcement action against a user for a bypass, unless

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The user submitted notices as required under paragraph (3) of this section.

(2) The General Manager may approve an anticipated bypass, after considering its adverse effects, if the General Manager determines that it will meet the three conditions listed in paragraph D.(1) of this section.

13. Miscellaneous Provisions

13.1 Pretreatment Charges and Fees

The Authority may adopt reasonable fees for reimbursement of costs of setting up and operating the Authority's Pretreatment Program which may include:

A. Fees for wastewater discharge permit applications including the cost of processing such applications;

B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;

C. Fees for reviewing and responding to accidental discharge procedures and construction;

D. Fees for filing appeals; and

E. Other fees as the Authority may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by these regulations and are separate from all other fees, fines, and penalties chargeable by the Authority.

13.2 Severability

If any provision of this Article is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

14. Effective Date

This Article shall be in full force and effect upon passage.