

**TOWN OF LEESBURG
NOTICE OF PUBLIC HEARING**

**TO CONSIDER THE FOLLOWING ADDITIONS/AMENDMENTS
TO THE LEESBURG TOWN CODE:**

**CHAPTER 34 (UTILITIES), ARTICLE II (WATER SYSTEM),
ARTICLE III (SEWERS AND SEWAGE DISPOSAL)
AND APPENDIX B--FEE SCHEDULE**

Pursuant to Code of Virginia of 1950, as amended, §§ 15.2-107, 15.2-1427, 15.2-2111, 15.2-2122, 15.2-2119, and 15.2-2143, **THE LEESBURG TOWN COUNCIL** will hold a public hearing on **Tuesday, March 29, 2016, at 7:30 p.m.**, in the Council Chambers at Town Hall, 25 West Market Street, Leesburg, Virginia, 20176, to consider the following Town Code Amendments regarding Water and Sewer Charges, Fees, Fines and Billing Procedures in the Town of Leesburg:

The following Town Code amendments are proposed:

Sec. 34-40. Portability of water availability fees: Amendments to clarify eligibility of portable water availability fees.

Sec. 34-62. Water drawn at existing designated public fire hydrant with a town issued hydrant meter: Amendment to include a *NEW* processing fee.

Sec. 34-68. Adjustment of bills for underground leaks: Amendment to clarify eligibility for bill adjustments.

Sec. 34-69. When due and payable; notice, late payment penalty and second billing to delinquent accounts; discontinuance of service to delinquent accounts: Amendments to provide late payment penalty waiver, grace period prior to assessing late payment penalty; define delinquent account processing and collection fees and adding *NEW* Utilities Collection fee.

NEW Sec. 34-72. Denial or discontinuation of water service due to leaks: New section for denial or discontinuation of water service to customers who refuse to fix or acknowledge leaks inside their homes or on their property.

Sec. 34-136. Sewer Use Regulations: Amendments to clarify sewer use regulations and to move fats, oils and grease regulations to Sec. 34-138 et seq.

Sec. 34-137. Portability of sewer availability fees: Amendments to clarify eligibility of portable sewer availability fees.

NEW Sec. 34-138 et seq.: Amended and expanded regulations to prohibit excessive discharge of fats, oils and grease from non-residential users (restaurants, etc.) with *NEW* fines as set forth below in Appendix B--Fee Schedule.

NEW Article III. Sewers and Sewer Disposal, Division 3. Fats, Oils and Grease (FOG) Program Sec. 34-164 - 34-169 et seq.: Regulations to prohibit excessive discharge of fats, oils and grease from non-residential users (restaurants, etc.) with *NEW* fines as set forth below in Appendix B--Fee Schedule.

The following Appendix B--Fee Schedule amendments are proposed:

Sec. 34-22. Damage or obstruction of water system property; cross connections; unauthorized connections: *NEW* \$250 for the first violation, \$500 for the second violation and \$2500 for all subsequent violations.

Sec. 34-29. Availability charges for water service: *NEW* Section (5) If an additional user or change of use is proposed, fees shall be \$13.33 per gallon per day of the estimated water flow. Current Water usage and paid availability fees shall be evaluated.

Sec. 34-39. Cross connection and backflow prevention control program. *NEW* \$100 for the first violation, \$150 for each additional summons and not more than \$3000 for a series of specific cross connection or backflow violations arising from the same set of operative facts.

Sec. 34-62. Water drawn at existing designated public fire hydrant with a town issued hydrant meter: *NEW* Processing fee per billing: \$15.00; and *NEW* temporary hydrant use bag: \$100.00.

Sec. 34-69. Disconnection and resumption of water service for nonpayment of charges: *NEW* Utilities Collections Fee of \$30.00.

Sec. 34-71. Miscellaneous fees and charges: *NEW* Processing fee per bill: \$15.00, *NEW* Customer-Requested Utility Service Location: \$30.00, *NEW* Customer-Requested Sanitary Sewer Property Line Cleanout: Direct cost of labor, equipment, materials, and administrative overhead of 15 percent of such direct costs, *NEW* Construction purity sampling: \$45.00 per sample. Amendment to clarify title of (14) water flushing and *NEW subsections 21-24* to define general billing late payment and delinquent payment process.

Sec. 34-126. Fee for sewer connection: *NEW* Closed circuit television (CCTV) inspection and re-inspection of sanitary sewer mains: \$1.25 per linear foot (\$500 minimum)

Sec. 34-127. Availability charge for sewer service: Amendments to clarify the calculation of sewer availability fees.

Sec. 34-136. Sewer Use Regulations: *NEW* Non-residential annual pretreatment inspections: 5/8 Meter- \$25.00, 3/4 Meter-\$32.50, 1 Meter-\$47.50, 1 1/2 Meter- \$75.00, 2 Meter-\$120.00, 3 Meter-\$225.00, 4 Meter-\$375.00, 6 Meter-\$750.00; if a Significant Industrial User is identified, all required permits, equipment, testing and/or infrastructure shall be borne by user.

NEW Sec. 34-138 et seq.: Regulations to prohibit excessive discharge of fats, oils and grease from non-residential users (restaurants, etc.) \$100 for the first violation, \$150 for each additional summons

and not more than \$3000 for a series of specific fats, oils and grease standards violations arising from the same set of operative facts.

NEW Article III. Sewers and Sewer Disposal, Division 3. Fats, Oils and Grease (FOG) Program Sec. 34-168.: Regulations to prohibit excessive discharge of fats, oils and grease from non-residential users (restaurants, etc.) \$100 for the first violation, \$150 for each additional summons and not more than \$3000 for a series of specific fats, oils and grease standards violations arising from the same set of operative facts.

A copy of the proposed ordinance is available from the Town Clerk, located in Town Hall. Additional information regarding this proposed amendments is available in the Executive Department, located on the first floor of the Leesburg Town Hall, 25 West Market Street, Leesburg, Virginia, during normal business hours (Monday-Friday, 8:30 a.m. to 5:00 p.m.), or by calling Lee Ann Green, Clerk, at 703-771-2733.

At this hearing, all persons desiring to express their views concerning these matters will be heard. Persons requiring special accommodations should contact the Clerk of Council at 703-771-2733, three days in advance of the meeting. For TTY/TDD service, use the Virginia Relay Center by dialing 711.

3/17/16 and 3/24/16

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Date of Council Meeting: March 29, 2016

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Town Code amendments - Utilities

Staff Contact: Amy Wyks, Director of Utilities

Council Action Requested: To enact an ordinance amending the Town Code Chapter 34 (Utilities), Articles II and III and Section 34 of Appendix B.

Staff Recommendation: Staff recommends the enactment of an ordinance as these amendments will clarify and further define sections. The amendments will also establish a new fats, oils and grease (FOG) ordinance as well as new fees and charges for services currently provided.

Commission Recommendation: Not applicable.

Fiscal Impact: For specific utility services provided, the financial impact anticipated is less than \$5,000 annually in revenue, but the fees will cover the costs for services currently provided. If customer habits remain unchanged under the new billing policies, in-house staff calculations show a reduction in revenue of \$42,000 per year. Grace period extension is projected to result in an annual revenue reduction of \$34,000 per year. Based on evaluation of applied late payment penalties, staff projects a first year revenue reduction of \$16,000, and \$8,000 for subsequent years.

Work Plan Impact: It is projected that the Utility Department's customer service staff will see an increase in workload due to additional communications with customers as they process requests for late penalty waivers and input data to track waivers that are applied to individual accounts. However, additional staffing and resources are not necessary to accommodate these changes as the additional workload will be absorbed within staff's current duties.

Executive Summary: Staff recently evaluated the Town's current utility billing policies and procedures based on customer service concerns over penalties applied to past-due balances, and the number of times the Town will waive late penalties over the life of a utility account. Town staff also conducted a survey of other utilities and jurisdictions in the region. As a result, staff recommends that existing policies and procedures related to grace period and eligibility of penalty waiver be modified to enhance customer service for the Town's utility customers.

Additions, edits and revisions are proposed based on correction of errors, inconsistencies or issues discovered in the day-to-day administration of the Town Code.

Background: Based on recent customer service concerns, staff evaluated the Town's existing business processes for utility billing. Staff surveyed other utilities and jurisdictions in the region

to study their practices for penalty waivers, the penalty charged for late payments, whether or not postmark dates were used to determine if the bill was paid on time, and if credit card payment via fax were accepted. The results of the survey are attached.

Staff evaluated the existing **four-day grace period policy**, and how it is impacted by weekends and Town-observed holidays. The current policy is based on calendar days instead of business days. Changing the Town's policy to count only business days for the four day grace period will prevent weekends and Town-observed holidays from counting against the four-day grace period. Staff anticipates this will reduce the number of accounts that are assessed the 10 percent late penalty payment.

After staff reviewed and compared the Town's current process with those of other utilities in the region, it is recommended that the Town change the policy regarding late payment penalty waivers. A draft policy for the waiver requirements is attached.

Previously Town Council passed Resolution No. 2011-133 to initiate amendments to Chapter 34 (Utilities) Articles I and II and Appendix B of the Town Code establishing new and revising various water and sewer charges and fees. The Town has developed a regular process and schedule for maintaining the Town Code for the purpose of making minor changes resulting from annual state mandated legislative changes, the correction of errors, inconsistencies or problems discovered in the day-to-day administration of Town Code. As a result, the following proposed amendments achieve this objective:

Sec. 34-40. - Portability of water availability fees.

- (a) All paid water availability fees which have been paid for the issuance of the public facility permit (receipt) shall attach and run with the parcel.
- (b) Paid water availability fees are transferable within one commercial parcel with a single owner. Minimum commercial water availability fee, as established by council, shall remain with each **meter connection** ~~commercial-street address~~. Upon evaluation of available historical records, paid water availability fees in excess of the minimum required commercial fee per use may be eligible for portability. This subsection shall not apply to residential parcels.
- (c) Parcel owner must consent to transfer paid water availability fee from one **meter connection** ~~commercial-street address~~ to another within the same parcel.

Sec. 34-62. - Rate for water drawn at hydrant or public meter.

Water drawn at an existing designated public fire hydrant with a town issued hydrant meter is assessed a service charge per quarter in addition to the usage water rate per 1,000 gallons of water withdrawn. Water drawn at the K.B. Rollins Water Treatment Plant will be charged a per day, per truck service charge **and a processing fee per billing** in addition to the usage water rate per 1,000 gallons of water withdrawn. The charges set forth in this section shall be established by the town council.

Sec. 34-68. - Adjustment of bills for ~~underground leaks.~~

- (a) When a leak develops in an underground water pipe between a water meter and a premises and the property owner or tenant cannot, by the use of ordinary diligence, discover such leak, the town may adjust the water bill of the user at such location. The policy regarding adjustment of accounts shall be established **per adopted policy** by the town manager. No credit shall be allowed after ten days from the date the property owner or tenant has knowledge of such leak.

Sec. 34-69. - When due and payable; notice, late payment penalty and second billing to delinquent accounts; discontinuance of service to delinquent accounts.

- (a) Water bills are due and payable within 30 days from the date of billing.
- (b) **A grace period of 4 business days will be permitted for payments in transit before penalties are applied to unpaid accounts.** Any billing that remains unpaid after ~~30 days~~ is subject to a ten percent late payment penalty plus an allowance for interest as determined by state code which amounts will be added to the total amount due and payable.
1. **The adopted policy regarding waiver of late payment penalties shall be established by the town manager.**
- (c) A notice shall be mailed in the form of a second billing, which will include the late payment penalty and interest at the end of 30 days from the date of billing, and water service will be discontinued if not paid in full within ten days from the date of such ~~notice.~~ **Payment is due within 10 days from the date of the second billing notice.**
- (d) When service is to be so discontinued, a fee for the disconnection and resumption of service in the amount **A Delinquent Account processing fee,** established by the town council, shall be charged **to all accounts not paid within 10 days from the second billing notice.**
1. **If the water bill remains unpaid after 10 days from the date of the notice of the second billing, water service will be discontinued and resumption of service will not occur until the total account balance is paid in full.**
 2. **In the event water is discontinued and a security deposit has previously been refunded pursuant to § 34-58(b), a new security deposit shall be required under § 34-58(a) before water service will be restored.**
 3. **If the account is closed and the water bill remains unpaid after 30 day, the Town shall mail a collections notice along with a copy of the final bill to the last known address. A collections processing fee, established by the town council shall be charged to all closed accounts not paid within 10 days from the collections notice.**

Sec. 34-72. - Denial or discontinuation of water service due to leaks.

- (a) **It shall be unlawful for a customer to forego repair of water leaks in the supply line or within the premises when identified by town personnel, including but not limited to fire sprinkler systems. The penalty for foregoing repairs shall be denial or discontinuation of water service.**

- (b) For major leaks (greater than 300 percent of average usage), the town will shut off water service to the property immediately, upon detection of the leak. The town will attempt to verbally notify the owner of the property within 24 hours of the action taken and in writing within (3) three business days of the action taken. Water service will not be restored until the leak has been repaired to the town's satisfaction.
- (c) For minor leaks (between 75 percent and 300 percent of average usage), the town shall notify the property owner in writing of any water leaks detected by the town. The property owner shall repair the leak to the town's satisfaction within 60 days from date of written notification. If, after 60 days, the leak has not been repaired to the town's satisfaction, the town will discontinue water service to the property.
- (d) Pursuant to § 34-68 (a) service line leaks not repaired within 10 day of knowledge of the leak will not be eligible for an adjustment of charges.
- (e) A connection fee, established by town council, will be charged to re-establish water service.

Sec. 34-136. - Sewer use regulations.

The sewer use regulations, as may be amended from time to time, is **are** hereby incorporated herein by reference and made a part hereof as if fully set out in this article.

Sec. 34-137. - Portability of sewer availability fees.

- (1) Paid sewer availability fees are transferable within one commercial parcel with a single owner. Minimum commercial sewer availability fee as established by council shall remain with each meter connection ~~commercial street address~~. Upon evaluation of available historical records, paid sewer availability fees in excess of the minimum required commercial fee per use may be eligible for portability. This subsection shall not apply to residential parcels.
- (2) A parcel owner must consent to transfer **the** paid sewer availability fee from one meter connection ~~commercial street address~~ to another within the same parcel.

Division 3. - Fats, Oils and Grease (FOG) Program.

Sec. 34-164. Purpose and applicability.

- (a) Purpose. The purpose of this division is to aid in preventing the introduction and accumulation of fats, oils and grease, into the town's public sewer system that may contribute to sanitary sewer blockages and obstructions.
- (b) Applicability. The provisions of this division shall apply to all food service establishments defined herein, within the town that are required under the Commonwealth of Virginia/State Board of Health and Waterworks Regulations to have grease control devices and to all grease haulers providing service to any such food service establishment.

Sec. 34-165. - Definitions.

The following words and terms used in this division shall have the following meanings, unless the context clearly indicates otherwise:

Town Manager means the town manager, or his authorized designee.

Fats, oils and grease (FOG) means material, either liquid or solid, composed of fats, oils or grease from animal or vegetable sources. Examples of FOG include, but are not limited to, kitchen cooking grease, vegetable oil, bacon grease and organic polar compounds derived from animal or plant sources that contain multiple carbon triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in Title 40, Part 135 of the Code of Federal Regulations (40 CFR § 136), as may be amended from time to time.

Food service establishment means any commercial, institutional, or food processing facility that discharges kitchen or food preparation wastewaters and that is required to have a grease control device under the Virginia Uniform Building Code or applicable sewer regulations of the town.

Grease control device means a device used to collect, contain, and remove food waste and grease from the wastewater while allowing the remaining wastewater to be discharged to the town's wastewater collection system by gravity. Devices include grease interceptors, grease traps, automatic grease removal devices or other devices approved by the town manager.

Grease hauler means a contractor who collects the contents of a grease interceptor or trap and transports it to a recycling or disposal facility. A grease hauler may also provide other services related to grease interceptor maintenance for a food service establishment.

Grease interceptor means a structure or device, usually located underground and outside of a food service establishment, designed to collect, contain and remove food waste and grease from the wastewater while allowing the remaining wastewater to be discharged to the town's wastewater collection system by gravity.

Grease removal device means an active, automatic device that separates and removes FOG from effluent discharge and that cleans itself of accumulated FOG at least once every twenty-four (24) hours utilizing electromechanical apparatus.

Grease trap means a device typically located indoors and under the sink, designed for separating and retaining grease prior to the wastewater exiting the trap and entering the wastewater collection system. Such devices are typically passive (gravity fed) and compact with removable baffles.

Public sewer system includes the pipelines or conduits, pumping stations, force mains, and all other construction, devices, and appliances appurtenant thereto, located

within the Town of Leesburg and used for the conveyance of residential, commercial or industrial sewage or wastewater or other wastes.

Renderable FOG container means a closed, leak-proof container for the collection and storage of yellow grease.

Virginia Uniform Statewide Building Code includes the model codes incorporated by reference therein, including, specifically, the International Plumbing Code.

Yellow grease means FOG used in food preparation that has not been in contact or contaminated with other sources such as water, wastewater or solid waste. An example of yellow grease is fryer oil, which can be recycled into products such as animal feed, cosmetics and alternative fuel. Yellow grease is also referred to as renderable FOG.

Sec. 34-166. - Grease control devices.

(a) *Requirements.* All food service establishments shall have a grease control device or devices which have been approved by the town manager, and which meet all applicable requirements of the Virginia Uniform Statewide Building Code, as determined by the building code administrator. Notwithstanding the foregoing, any grease control device sized in accordance with the Town of Leesburg Sewer Use Regulations shall be deemed to meet the requirements of the section.

1. *New establishments.* Except as provided in subsection (a)(2), new food service establishments, including those operated by a new owner or for a different use, shall be required to install, operate and maintain a grease control device in compliance with the requirements of the Virginia Uniform Statewide Building Code. Grease control devices shall be installed and registered in accordance with this section prior to the issuance of a certificate of occupancy.
2. *Existing establishments.* Food services establishments in operation as of the effective date of this division may continue to operate and maintain their existing grease control devices, provided such grease control devices are in proper operating condition and are not found to be contributing FOG in quantities sufficient to cause line stoppages or to necessitate increased maintenance of the sanitary sewer system. An existing food service establishment shall install a new grease control device that complies with the requirements of the Virginia Uniform Statewide Building Code if its grease control device is determined by the town manager not to be in proper operating condition or if the food service establishment is found to be contributing FOG in quantities sufficient to cause line stoppages or to necessitate increased maintenance of the sanitary sewer system.
3. *Renovations or expansions.* Food service establishments that are renovated or expanded shall, if required by the Virginia Uniform Statewide Building Code, install new grease control devices meeting the requirements of such code.

4. Retrofitting. Existing food service establishments lacking approved grease control devices by reason of having been grandfathered from such requirements under the Virginia Uniform Statewide Building Code shall, if required, install grease control devices in accordance with town regulations. Such grease control devices shall be registered within thirty (30) days of installation.

(b) Installation. Grease control devices shall be installed by a plumber licensed in the Commonwealth of Virginia. Every grease control device shall be installed and connected so that it may be readily accessible for inspection, cleaning, and removal of the intercepted food waste and grease at any time.

(c) Maintenance. Grease control devices shall be maintained as follows:

- 1. Grease control devices shall be properly maintained at all times. Maintenance shall include the complete removal of all contents, including floating material, wastewater and settled solids. Decanting or discharging of removed waste back into the grease interceptor or private sewer line or into any portion of the town's wastewater collection system is prohibited.**
- 2. Grease interceptors shall be pumped out completely when the total accumulation of surface FOG, including floating solids and settled solids, reaches twenty-five (25) percent of the overall liquid volume. At no time shall a grease control device be cleaned less frequently than once every three (3) months unless allowed by the director for good cause shown. Such approval will be granted on a case-by-case basis upon submittal of a request by the food service establishment documenting reasons for the proposed frequency variance. The town manager shall not approve any request unless the applicant demonstrates that the frequency variance will not result in the introduction of any greater quantities of FOG into the public sewer system than would otherwise be introduced.**
- 3. Grease traps and grease removal devices shall be opened, inspected and completely cleaned of food solids and fats, oils and grease a minimum of once per week, unless allowed by the director for good cause shown. Such approval will be granted on a case-by-case basis upon submittal for a request by the food service establishment documenting reasons for the proposed frequency variance. The director shall not approve any request unless the applicant demonstrates that the frequency variance will not result in the introduction of any greater quantities of FOG into the public sewer system than would otherwise be introduced, and in no event shall the content of food solids and FOG exceed twenty-five (25) percent of the overall liquid depth of the device.**
- 4. The town manager may establish a more frequent cleaning schedule if the food service establishment is found to be contributing FOG in quantities sufficient to cause line stoppages or to necessitate increased maintenance of the wastewater collection system.**

- 5. Unless authorized by the town manager, the use of additives including, but not limited to, products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes or bacteria are prohibited for use as grease management control; provided, however, that additives may be used to clean the food service establishment drain lines so long as the usage of such additives will not cause FOG to be discharged from the grease control device to the sanitary sewer system. The use of additives shall not be substituted for the maintenance procedures required by this section. The town manager shall not approve the use of any additives unless he is satisfied that such use will have no adverse effects upon the public sewer system.**

(d) Waste disposal. Waste material from grease control devices shall be disposed of as follows:

- 1. Waste removal from a grease trap shall be disposed of in the solid waste disposal system or by a grease hauler certified by the Town of Leesburg.**
- 2. Waste removed from a grease interceptor shall be disposed of at a facility permitted to receive such wastes. No materials removed from interceptors shall be returned to any grease interceptor, private sewer line or into any portion of the town's wastewater collection system.**
- 3. Yellow grease shall be disposed of in a renderable FOG container in which contents will not be discharged to the environment. Yellow grease shall not be poured or discharged into the town's wastewater collection system.**

(e) Inspection, modification and repair. The town manager shall have the authority to make such inspections as are authorized by law during reasonable hours for the purpose of inspecting, observing, taking measurement, sampling, testing or reviewing the records of the wastewater collection system and grease control devices installed in a food service establishment to ensure that such food service establishment is in compliance with this division. Operational changes, maintenance and repairs required by the town manager shall be implemented as noted in the written notice issued to the food service establishment by the town manager. The owner or occupant of such food service establishment, or his/her designee, shall be entitled to accompany the town manager during such inspection. The town manager may require existing food service establishments to modify or repair any noncompliant grease control device and appurtenances within thirty (30) days of written notification by the director. The town manager may grant extensions for good cause shown.

(f) Recordkeeping. Food service establishments shall maintain records meeting the following requirements:

- 1. Food service establishments shall retain and make available for inspection and copying records of all cleaning and maintenance for the previous three (3) years for all grease control devices. Cleaning and**

maintenance records shall include, at a minimum, the dates of cleaning/maintenance, the names and business addresses of the company or person performing each cleaning/maintenance and the volume of waste, including the percentage of grease and settled solids, removed in each cleaning. Such records shall be kept on site and shall be made available to the town manager upon request.

2. Food service establishments shall retain and make available for inspection and copying records of yellow grease disposal for the previous three (3) years. Yellow grease disposal logs shall include, at a minimum, the dates of disposal, name and business address of the company or person performing the disposal and the volume of yellow grease removed in each cleaning. Such records shall be kept on site and shall be made available to the town manager upon request.
3. Food service establishments shall retain and make available for inspection and copying records of weekly inspections and cleaning pursuant to (c)(3) of this section for the previous three (3) years.

Sec. 34-167. - Discharge limits.

No person shall discharge or cause to be discharged from any food service establishment any wastewater with FOG or other substances harmful or hazardous to the public sewer system, the regional sanitary sewer system, or sewage treatment plant or processes.

Sec. 34-168. - Civil penalties; scheduled violations.

- (a) Except for the violations specified in the Schedule of Violations, below, and without otherwise limiting the remedies which may be obtained under this division, the town manager may issue an order assessing a civil penalty or other monetary assessment in accordance with the following provisions:

1. No order assessing a civil penalty for a violation shall be issued until after the alleged violator has been provided an opportunity for a hearing before the town manager, except with the consent of the alleged violator. The notice of hearing shall be served personally or by registered or certified mail, return receipt requested, on the alleged violator or his authorized representative at least thirty (30) days prior to the hearing. The notice shall specify the time and place for the hearing, facts and legal requirements related to the alleged violation, and the amount of any proposed civil penalty. At the hearing, the alleged violator may present evidence, including witnesses regarding the occurrence of the alleged violation and the amount of the penalty, and may examine any witnesses for the town. A verbatim record of the hearing shall be made. Within thirty (30) days after the conclusion of the hearing, the director shall make findings of fact and conclusions of law and issue the order.
2. No order issued by the town shall assess civil penalties in excess of thirty-two thousand five hundred dollars (\$32,500.00) per violation, not to exceed one hundred thousand dollars (\$100,000.00) per order, or such

- other amount as may be allowed under Code of Virginia § 62.1-44.15 or any successor statute, except with the consent of the violator.
3. The actual amount of any civil penalty assessed shall be based upon the severity of the violation, the extent of any potential or actual environmental harm or facility damage, the compliance history of the violator, any economic benefit realized from the noncompliance, and the ability of the violator to pay the penalty. In addition to civil penalties, the order may include a monetary assessment for actual damages to sewers, treatment works, and appurtenances and for costs, attorney fees and other expenses resulting from the violation.
 4. Any civil penalty or other monetary assessment included in any such order shall be payable as set forth in the order. Any unpaid balance at the time payment of the civil penalty or other monetary assessment is due may be collected in an action at law against the violator or included in the violator's bill for sewer services and collected in accordance with § 34-161 of the Town Code.
 5. Any order issued by the town manager, regardless of whether such order assesses a civil penalty, shall inform the alleged violator of his right to judicial review of any final order by appeal to the circuit court on the record of proceedings before the director. To commence an appeal, the alleged violator shall file a petition in circuit court within thirty (30) days of the date of the final order, and failure to do so shall constitute a waiver of the right to appeal. With respect to matters of law, the burden shall be on the party seeking review to designate and demonstrate an error of law subject to review by the court. With respect to issues of fact, the duty of the court shall be limited to ascertaining whether there was substantial evidence in the record to reasonably support such findings.
- (b) Any violation listed in the following schedule, shall subject the violator to a civil penalty of not more than one hundred dollars (\$100.00) for the initial summons, not more than one hundred fifty dollars (\$150.00) for each additional summons, and not more than a total amount of three thousand dollars (\$3,000.00) for a series of specified violations arising from the same operative set of facts, as follows:
1. The town may issue a civil summons ticket for a scheduled violation. Any persons summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the town's director of finance and administrative services prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability and pay the civil penalty established for the violation.
 2. If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any such trial, the town shall have the burden of proving by a preponderance of the evidence the liability of the alleged violator.

- 3. An admission of liability or finding of liability under this section shall not be deemed an admission at a criminal proceeding, and no civil action authorized by this section shall proceed while a criminal action is pending.**
- 4. Any civil penalties imposed pursuant to this subsection shall be applied to the purpose of abating, preventing or mitigating environmental pollution.**

Schedule of Violations

<u>1. Failure to maintain cleaning and maintenance records.</u>
<u>2. Failure to maintain yellow grease disposal records.</u>
<u>3. Failure to maintain certified employee with completed grease control device training.</u>
<u>4. Failure to register grease control device(s)</u>
<u>5. Failure to use certified grease hauler for grease control device rated over 50 gallons per minute.</u>
<u>6. Failure to properly maintain grease control device</u>
<u>7. Failure to allow inspection of grease control device</u>
<u>8. Unauthorized use of additives including, but not limited to, products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes or bacteria</u>
<u>9. Failure to have grease control device(s) meeting all applicable requirements of the Virginia Uniform Statewide Building Code</u>
<u>10. Failure to make required modification or repair to a grease control device</u>

Sec. 34-169. - Other violations and penalties.

- (a) Any intentional or willful act or omission to act in violation of any of the provisions of this division shall be punishable by a fine in the amount not to exceed one thousand dollars (\$1,000.00) per violation. Each day that a continuing violation exists shall constitute a separate offense, and any fines imposed under this division shall be applied to the purpose of abating, preventing or mitigating environmental pollution.**
- (b) Any person who, intentionally or otherwise, commits any of the acts prohibited by this division or who fails to perform any of the acts required by this division shall be liable to the town in an action at law for all costs of containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the wastewater collection system, as well as the costs of any damages or regulatory fines imposed upon the town that are proximately caused by such violations. Such costs shall be collectible by the town in accordance with the provisions of § 15.2-2119 of the Code of Virginia.**

- (c) **In addition to any other remedy for the violation of this article, the town may bring legal action to enjoin the continuing violation of this division, and the existence of any other remedy, at law or in equity, shall be no defense to any such action.**
- (d) **The remedies set forth in this section are cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.**

The Utilities Department is committed to providing safe water and dependable service. Based on staff review of water and sewer services offered to customers, the expenses to provide utility related services are increasing including inspection requests. Even with the establishment of new charges, the Town will remain comparable to neighboring water and sewer utilities. The following Fee Schedule Amendments are proposed:

Sec. 34-22. - Damage or obstruction of water system property; cross connections; unauthorized connections.

- (a) The cost for any repair or replacement shall be \$50.00 plus the direct cost of labor, materials, equipment and administrative overhead calculated at 15 percent of such direct costs.
- (b) **In addition to subsection (a) above, a fee of \$250.00 shall be due for the first violation, \$500 for the second violation and \$2,500.00 for each subsequent violation.**

Sec. 34-29. - Water service availability charge:

- (1) Multifamily dwelling, townhouse or mobile home, per unit: \$3,744.00.
- (2) Single-family detached dwelling, or two-family attached (duplex), per unit: \$4,683.00.
- (3) Water service availability fees for residential uses shall be reduced to \$1,750.00 per unit where the lot was created and a single-family detached dwelling was existing thereon prior to the 1984 annexation and failure of the well is imminent, as determined by the town manager in consultation with the Virginia Department of Health.
- (4) Water service availability fees for nonresidential uses shall be \$4,683.00 or more, depending on the estimated water flow to the user as compared to the water flow to the average single-family dwelling. Fees shall be \$4,683.00 or \$13.33 per gallon per day of the estimated water flow to the user. ~~whichever is greater.~~
- (5) **If an additional user or change of use is proposed, fees shall be \$13.33 per gallon per day of the estimated water flow. Current water usage and paid availability fees shall be evaluated.**

Sec. 34-39. - Cross connection and backflow prevention control program.

- (3) **Not more than one hundred dollars (\$100.00) for the initial summons, not more than one hundred fifty dollars (\$150.00) for each additional summons, and not more than a total amount of three thousand dollars (\$3,000.00) for a series of specified violations arising from the same operative set of facts.**

Sec. 34-62. - Water drawn at existing designated public fire hydrant with a town issued hydrant meter.

(6) Processing fee per billing: \$15.00

(7) A temporary hydrant use bag: \$100.00

Sec. 34-69. (1) Delinquent Account Processing Fee ~~Disconnection and resumption of water service for nonpayment of charges: \$30.00~~

(2) Utilities Collection Fee: \$30.00

Sec. 34-71. - Miscellaneous fees and charges:

(14) ~~Water flushing~~ Construction water for flushing and testing: \$50.00 service charge in addition to outside town nonresidential rate per 1,000 gallons of all water drawn.

(20) Processing fee per billing: \$15.00.

(21) General utility billing late payment penalty and second billing to delinquent accounts; discontinuance of service to delinquent accounts. General billing invoices are due and payable within 20 days from the date of billing. Any billing that remains unpaid after 30 days is subject to a ten percent late payment plus an allowance for interest as determined by state code which amounts will be added to the total amount due and payable. A notice shall be mailed in the form of a second billing, which will include the late payment penalty and interest at the end of the 30 days from the date of billing, and all services will be discontinued if not paid in full within ten days from the date of such notice.

(22) Customer-Requested Utility Service Location: \$30.00.

(23) Customer-Requested Sanitary Sewer Property Line Cleanout: Direct cost of labor, equipment, materials, and administrative overhead of 15 percent of such direct costs.

(24) Construction purity sampling: \$45.00 per sample.

Sec. 34-126. - Sewer Connection Fee

(4) The fee for a closed circuit television (CCTV) inspection of new sanitary sewer mains: \$1.25 per linear foot (\$500 minimum per project).

Sec. 34-127. - Sewer service availability charge:

(1) Residential uses shall be as follows:

a. Multifamily dwelling, townhouse or mobile home, per unit: \$5,852.00.

b. Single-family detached dwelling, or two-family attached (duplex), per unit: \$7,292.00.

c. Sewer service availability fees for residential uses shall be reduced to \$1,750.00 per unit where the lot was created and a single-family detached dwelling was existing thereon prior to the 1984 annexation and failure of the

septic system is imminent, as determined by the town manager in consultation with the Virginia Department of Health.

- (2) Nonresidential uses: \$7,292.00 or more, depending on the estimated sewage flow and required treatment characteristics from the user as compared to the sewage flow and required treatment characteristics from the average single-family dwelling. Fees shall be calculated as follows:
- a. *All nonindustrial uses*: \$7,292.00 or \$20.20 per gallon per day of the estimated sewage flow from the user, ~~whichever is greater~~.
 - b. *All industrial uses*: ~~The greater of~~ \$7,292.00 or \$20.20 per gallon per day of the estimated sewage flow from the user, plus an additional charge in proportion to the excess biochemical oxygen demand, suspended solids or other pollutant discharge of the user above the average pollutant discharge of residential users of the system.
- (3) **If an additional user or change of use is proposed, fees shall be \$20.20 per gallon per day of the estimated sewer flow. Current sewer usage and paid availability fees shall be evaluated.**

Sec. 34-136. - Sewer use regulations.

- (1) **As required by the General Pretreatment Regulations (40 C.F.R. § 403), the town will conduct annual pretreatment inspections of non-single family residential plumbing systems connected to the town's sanitary sewer system. The charge for each inspection per connection, premises or account shall be:**

<u>5/8" Meter</u>	<u>\$25.00</u>
<u>3/4" Meter</u>	<u>\$32.50</u>
<u>1" Meter</u>	<u>\$47.50</u>
<u>1 1/2" Meter</u>	<u>\$75.00</u>
<u>2" Meter</u>	<u>\$120.00</u>
<u>3" Meter</u>	<u>\$225.00</u>
<u>4" Meter</u>	<u>\$375.00</u>
<u>6" Meter</u>	<u>\$750.00</u>

- (2) **When a user is deemed by the Department of Environmental Quality as a Significant Industrial User, any required testing will be charged to the user's utility billing account.**
- (3) **In the event a Significant Industrial User requires pretreatment, all required permits, equipment and infrastructure shall be borne by user.**

Sec. 34-168. - Fats, Oils and Grease (FOG) Program; civil penalties; scheduled violations.

Any violation listed in the following FOG schedule shall subject the violator to a civil penalty of not more than one hundred dollars (\$100.00) for the initial summons, not more than one hundred fifty dollars (\$150.00) for each additional

summons, and not more than a total amount of three thousand dollars (\$3,000.00) for a series of specified violations arising from the same operative set of facts.

Schedule of Violations

<u>1. Failure to maintain cleaning and maintenance records.</u>
<u>2. Failure to maintain yellow grease disposal records.</u>
<u>3. Failure to maintain certified employee with completed grease control device training.</u>
<u>4. Failure to register grease control device(s)</u>
<u>5. Failure to use certified grease hauler for grease control device rated over 50 gallons per minute.</u>
<u>6. Failure to properly maintain grease control device</u>
<u>7. Failure to allow inspection of grease control device</u>
<u>8. Unauthorized use of additives including, but not limited to, products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes or bacteria</u>
<u>9. Failure to have grease control device(s) meeting all applicable requirements of the Virginia Uniform Statewide Building Code</u>
<u>10. Failure to make required modification or repair to a grease control device</u>

- Attachments:** (1) Utility and Jurisdictional Billing Practices Survey
(2) Draft Late Penalty Waiver Policy
(3) Backflow and Cross Connection Program
(4) Sewer Use Regulations
(5) Draft Ordinance

Survey of Utility Billing Practices

Utility	Grace Period	How many penalty waivers offered? How often?	Honor Postmark?	Maximum Penalty?	Accept CC payments by Fax?
Town of Leesburg	4 calendar day	Once	No	10% of balance	Yes
Loudoun Water	5-7 days	One late fee waived per year	No	10% of balance	No
Fairfax Water	Next Day	Discretion of staff	No	10% of balance (Water only)	No
Stafford County		One late fee waived per year	No	No maximum penalty	No
Town of Purcellville	Next Day	One late fee waived per 24 months of on-time payment	Yes	10% of balance	No
Town of Strasburg		None offered	Yes	10% of balance	No
Prince William County	Next Day	Once every 5 years	No	10% of balance	No
Arlington County	Yes	May be offered more than once--at discretion of billing staff	No	6% of balance	No
Town of Berryville	Yes	One--will consider again if extenuating circumstances	Yes	10% of balance	Yes
Town of Front Royal	Yes	One time upon request only	No	2% of balance plus late fee	No
Town of Round Hill	Next Day	One time life of account	No	10% of balance	No
Town of Herndon	Next Day	Once	NO	10% of balance	No

Note: Billing frequency was not surveyed



Late Payment Penalty Waiver Policy

The purpose of this policy is to provide additional guidance and steps necessary to implement Leesburg Town Code, Section 34-69(b)(1), which authorizes the waiver of a 10% late payment penalty. The Town is providing this policy in order to reduce the financial burden on residents and other customers created by late payments.

The following policy is hereby established by the Town Manager and shall apply to the waiver of late payment penalties.

The Town Manager or designee may, upon request of a customer, waive a late payment penalty. The customer's account will document and date the penalty waiver request. Additional late payment penalties may be requested by the customer following twenty-four (24) months of good payment history.

Exceptions

Under extraordinary circumstances, the Town Manager may approve additional late payment penalty waivers falling outside this policy when recommended by legal counsel.

Kaj Dentler, Town Manager

Date

TOWN OF LEESBURG CROSS CONNECTION AND BACKFLOW PREVENTION CONTROL PROGRAM

I. Purpose

The purpose of this program, adopted by ordinance, is to abate or control actual or potential cross connections and protect the public health. This program provides for establishment and enforcement of a program for cross connection control and backflow prevention in accordance with the Commonwealth of Virginia, State Board of Health, *Waterworks Regulations 1995*, or as amended. **THIS PROGRAM IS DIRECTED AT SERVICE LINE PROTECTION (CONTAINMENT).**

II. Authority for the Cross Connection Control Program

Commonwealth of Virginia, Department of Health *Waterworks Regulations* (Cross Connection Control and Backflow Prevention in Waterworks)

III. Administration of the Cross Connection Control Program

1. The Town of Leesburg Department of Utilities Director, herein called the Director, shall administer and enforce the provisions of this program adopted by ordinance under the direction of the Town Manager. (Reference Town Code, Article II, Water System, Section 34-39)
2. It shall be the duty of the Director to cause assessment to be made of properties served by the waterworks where cross connection with the waterworks is deemed possible. The method of determining potential cross connection with the waterworks and the administrative procedures shall be established by the Director in a Cross Connection Control Program (Program) approved by the Commonwealth of Virginia, Department of Health, Division of Water Supply Engineering.
3. The person in responsible charge of the Program is the Director or his/her designee.

IV. Enforcement of the Program

1. Upon request, the consumer or owner of property served shall furnish to the Director or his/her designee pertinent information regarding the consumer's water supply or systems on such property for the purpose of assessing the consumer's water supply system for cross connection hazards and determining the degree of hazard, if any. The refusal of such information, when requested, shall be deemed evidence of the presence of a high degree of hazard cross connection.
2. Notice of Violation - Any consumer or owner of property found to be in violation of any provision of this program shall be served a written notice of violation sent to the service address, stating the nature of the violation, corrective action required and providing a reasonable time limit, not to exceed 30 days, from the date of the notice of violation, to bring the consumer's water supply system into compliance with this program or have water service terminated.
3. Inspections Fees - As required by the Commonwealth of Virginia/State Board of Health, *Waterworks Regulations*, the town will conduct annual cross connection/backflow prevention inspections of non-single family residential plumbing systems connected to

the town's water distribution system. The charge for each inspection per connection, premises or account shall be:

5/8"	Meter	\$25.00
3/4"	Meter	\$32.50
1"	Meter	\$47.50
1 1/2"	Meter	\$75.00
2"	Meter	\$120.00
3"	Meter	\$225.00
4"	Meter	\$375.00
6"	Meter	\$750.00

4. **Civil Penalties; violations** –

a. Any consumer or owner of property served by a connection to the waterworks found guilty of violating any of the provisions of this program, or any written order of the Town Manager in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$2,500 and one year of jail for each violation. ~~Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this program.~~

b. **Any violation shall subject the violator to a civil penalty in the amount of not more than one hundred dollars (\$100.00) for the initial summons, not more than one hundred fifty dollars (\$150.00) for each additional summons, and not more than a total amount of three thousand dollars (\$3,000.00) for a series of specified violations arising from the same operative set of facts, as follows:**

i. **The town may issue a civil summons ticket for a violation. Any person summoned or issued a ticket for a violation may make an appearance in person or in writing by mail to the town's director of utilities prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability and pay the civil penalty established for the violation.**

ii. **If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any such trial, the city shall have the burden of proving by a preponderance of the evidence the liability of the alleged violator.**

iii. **An admission of liability or finding of liability under this section shall not be deemed an admission at a criminal proceeding, and no civil action authorized by this section shall proceed while a criminal action is pending.**

iv. **Any civil penalties imposed pursuant to this subsection shall be applied to the purpose of abating, preventing or mitigating environmental pollution.**

V. Responsibilities of the Department of Utilities (Town), and Director

Effective cross connection control and backflow prevention requires the cooperation of the Town, Director or his/her designee, the owner(s) of the property served, the Local Building Official and the backflow prevention device tester.

1. The Program shall be carried out in accordance with the Commonwealth of Virginia, State Board of Health, *Waterworks Regulations* and shall as a minimum provide containment of potential contaminants at the consumer's service connection.
2. The Town has full responsibility for water quality and for the construction, maintenance and operation of the waterworks beginning at the water source and ending at the service connection.
3. The Director shall, assess each high hazard facility on an annual basis with low hazard connections re-assessed every 3-5 years or as use may change.
4. In the event of the backflow of pollution or contamination into the waterworks, the Director shall promptly take or cause corrective action to confine and eliminate the pollution or contamination. The Director shall report to the appropriate Commonwealth of Virginia, Department of Health, Office of Water Programs Field Office in the most expeditious manner (usually by telephone) when backflow occurs and shall submit a written report by the 10th day of the month following the month during which backflow occurred addressing the incident, its causes, effects, and preventative or control measures required or taken.
5. The Director shall take positive action to ensure that the waterworks is adequately protected from cross connections and backflow at all times. If a cross connection exists or backflow occurs into a consumer's water supply system or into the waterworks or if the consumer's water supply system causes the pressure in the waterworks to be lowered below 10 psi gauge, the Director may discontinue the water service to the consumer and water service shall not be restored until the deficiencies have been corrected or eliminated to the satisfaction of the Director.
6. In order to protect the occupants of a premises, the Director or his/her designee should inform the owner(s) of any cross connection beyond the service connection that should be abated or controlled by application of an appropriate backflow prevention device or separation. Appropriate backflow prevention device or separation should be applied at each point-of-use and/or applied to the consumer's water supply system, isolating an area which may be a health or pollutional hazard to the consumer's water supply system or to the waterworks.
7. Records of backflow prevention devices, separations, and consumer's water supply systems, including inspection records, records of backflow incidents, and records of device tests shall be maintained by the Director for ten years.
8. At a minimum, all new service connections shall be protected with an approved backflow device consisting of a double check valve or dual check valve. (ASSE #1015).
9. Any existing residences without a dual check (ASSE #1015) shall be fitted with a dual check when a service call is made to the property and found to not have the protection.

VI. Responsibilities of the Consumer

1. The consumer, at their own expense, shall install, operate, test, and maintain required backflow prevention devices or backflow prevention by separation.
 - a. The consumer shall provide copies of test results, maintenance records and overhaul records to the Director within 30 days of the date of the annual test

letter. Such testing or work shall have been performed by a certified tester which has obtained a certificate of completion of a course recognized by the Town of Leesburg, American Water Works Association, the Virginia Department of Health or the Virginia Cross Connection Control Association for cross connection control and backflow prevention inspection, maintenance and testing or otherwise be certified by a Commonwealth of Virginia tradesman certification program.

2. The consumer of non-single family residential units shall pay the fee for the town's annual cross connection/backflow prevention inspections of non-single family residential plumbing systems connected to the town's water distribution system.
3. The consumer has the responsibility of preventing pollutants or contaminants from entering the water system in the residence or entering the waterworks. The consumer's responsibility starts at the point-of-delivery and includes all piping, plumbing and related appurtenances downstream of the meter.
4. In the event of pollution or contamination of the waterworks or a residential water system due to backflow, the consumer shall promptly take steps to confine further spread of the pollution or contamination and shall promptly notify the Town of the condition.
5. No consumer shall install or maintain a water service connection to any premises where cross connections to the town's water system or a consumer's water system may exist, unless such cross connections are abated or controlled to the satisfaction of the town.
6. No consumer shall install or maintain any connection whereby water from an auxiliary water system may enter the town's or consumer's water system, unless the auxiliary water system and the method of connection and use of such system shall have been approved by the town.
7. The owner of the property served has responsibility for water quality and for the construction, maintenance, and operation of the consumer's water supply system from the water meter crock assembly to all free flowing outlets.
8. All water meter assemblies purchased from the Town up to 2" are provided with dual check valves meeting ASSE #1024. Meters larger than 2" shall have a double check valve (ASSE #1015) installed within the premises.

VII. Responsibilities of the Certified Tester

1. Certified testers must have obtained a certificate of completion of a course recognized by the Town of Leesburg, American Water Works Association, the Virginia Department of Health or the Virginia Cross Connection Control Association for cross connection control and backflow prevention inspection, maintenance and testing or otherwise be certified by a Commonwealth of Virginia tradesman certification program. A copy of the certificate for all testers must be provided to the Town.
2. Town maintains a list of certified testers that is sent to owners who have testable devices. In order for a company or tester to be placed on the list, certifications for the employees must be provided to the Town as well as current record of all test kits being checked for accuracy annually.
3. The tester has the responsibility of filling out the Town of Leesburg Backflow Prevention Device Testing, Maintenance and Inspection Report completely and returning to homeowner or Town.
4. All testers shall attend an annual tester's meeting conducted by the Town of Leesburg and register with the Town to remain on the approved Tester List.

VIII. Location of Protection

1. Service Line Protection - Backflow prevention device or separation shall be installed at the service connection to a consumer's water supply system where, in the judgment of the Director a health or polluttional hazard to the consumer's water supply system or to the waterworks exists or may exist unless such hazards are abated or controlled to the satisfaction of the Director.
2. Special Conditions for Service Line Containment - When, as a matter of practicality, the backflow prevention device or separation cannot be installed at the service connection, the device or separation may be located downstream of the service connection but prior to any unprotected connections.
3. Point-of-Use Isolation Protection - Where all actual or potential cross connections can be easily correctable at each point-of-use and where the consumer's water supply system is not intricate or complex, point-of-use isolation protection by application of an appropriate backflow prevention device or backflow prevention by separation may be used at each point-of-use in lieu of installing a containment device at the service connection.
4. A backflow prevention device or backflow prevention by separation shall be installed at each service connection to a consumer's water supply system serving premises where the following conditions exist:
 - a. Premises on which any substance is handled in such a manner as to create an actual or potential hazard to a waterworks (this shall include premises having auxiliary water systems or having sources or systems containing process fluids or waters originating from a waterworks which are no longer under the control of the waterworks owner).
 - b. Premises having internal cross connection that, in the judgment of the Director may not be easily correctable or intricate plumbing arrangements which make it impracticable to determine whether or not cross connections exist.
 - c. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make an evaluation of all cross connection hazards.
 - d. Premises having a repeated history of cross connections being established or reestablished.
 - e. Other premises specified by the Director where cause can be shown that a potential cross connection hazard not enumerated above exists.

IX. Preventive and Control Measures

1. Premises having booster pumps or fire pumps connected to the waterworks shall have the pumps equipped with a pressure sensing device to shut off or regulate the flow from the booster pump when the pressure in the waterworks drops to a minimum of 10 psi gauge at the service connection.
2. The following facilities shall install a reduced pressure zone (RPZ) device as an approved backflow prevention device at the service connection:
 - Hospitals, mortuaries, clinics, veterinary establishments, nursing homes, dental offices and medical buildings;
 - Laboratories;
 - Piers, docks, waterfront facilities;
 - Sewage treatment plants, sewage pumping stations, or storm water pumping stations;
 - Food and beverage processing plants;

- Chemical plants, dyeing plants and pharmaceutical plants;
 - Metal plating industries;
 - Petroleum or natural gas processing or storage plants;
 - Radioactive materials processing plants or nuclear reactors;
 - Car washes and laundries;
 - Lawn sprinkler systems, irrigation systems;
 - Slaughter houses and poultry processing plants;
 - Farms where the water is used for other than household purposes;
 - Commercial greenhouses and nurseries;
 - Health clubs with swimming pools, therapeutic baths, hot tubs or saunas;
 - Paper and paper products plants and printing plants;
 - Pesticide or exterminating companies and their vehicles with storage or mixing tanks;
 - Schools or colleges with laboratory facilities;
 - High-rise buildings (4 or more stories);
 - Multi use commercial, office, or warehouse facilities;
 - Others specified by the Director when reasonable cause can be shown for a potential backflow or cross connection hazard.
3. Where lawn sprinkler systems, irrigation systems or fire service systems are connected directly to the waterworks with a separate service connection, a backflow prevention device or backflow prevention by separation shall be installed at the service connection or installed under Special Conditions.
 4. Residences or businesses may maintain an auxiliary water source (groundwater well or spring for example) on the property for heating or cooling, irrigation, watering etc. if a physical separation from the residential water system and the waterworks is provided and maintained at all times.
 5. Upon installation, premises having a fire service system shall be inspected and protection devices determined based on degree of hazard for each individual system in accordance with the Virginia Statewide Building Code (Plumbing).
 6. Others specified by the Town where reasonable cause can be shown for a potential backflow or cross connection hazard.

X. Type of Protection Required

The type of protection required shall depend on the degree of hazard which exists or may exist. The degree of hazard, either high or low, is based on the nature of the contaminant; the potential health hazard; the probability of the backflow occurrence; the method of backflow either by a backpressure or by backsiphonage; and the potential effect on waterworks structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water.

Table 1 below shall be used as a guide to determine the degree of hazard for any situation.

TABLE 1 - DETERMINATION OF DEGREE OF HAZARD		
Premises with the following conditions shall be rated at the corresponding degree of hazard:		
Hazard Type	Conditions	Examples
High - The	▪ In the event of backflow of the	Sewage, used water, non-

contaminant is toxic, poisonous, noxious or unhealthy.	contaminant, a health hazard would exist. <ul style="list-style-type: none"> ▪ A high probability exists of a backflow occurrence either by backpressure or by backsiphonage. ▪ The contaminant would disrupt the service of piped water for drinking or domestic use. 	potable water, auxiliary water systems and toxic or hazardous chemicals.
Low - The contaminant would only degrade the quality of the water aesthetically.	<ul style="list-style-type: none"> ▪ In the event of backflow of the contaminant, a health hazard would not exist. ▪ A low probability exists of the occurrence of backflow. ▪ The contaminant would not disrupt service of piped water. 	Food stuff, nontoxic chemicals and nonhazardous chemicals.

The list below shall be used as a guide to select the required backflow device:

- An air gap or physical disconnection gives the highest degree of protection and shall be used whenever practical to do so in high hazard situations subject to backpressure.
- An air gap, physical disconnection and a reduced pressure principle backflow prevention device will protect against backpressure when operating properly.
- Pressure vacuum breakers will not protect against backpressure, but will protect against backsiphonage when operating properly. Pressure vacuum breakers may be used in low or high hazard situations subject to backsiphonage only.
- A double check valve assembly shall not be used in high hazard situations.
- Barometric loops are not acceptable.
- Interchangeable connections or change-over devices are not acceptable.

XI. Backflow Prevention Devices and Backflow Prevention by Separation for Containment

1. Backflow prevention devices for containment include the Reduced Pressure Principle backflow prevention assembly (RP) and Double Check valve assembly and must meet ASSE standards.
2. Backflow prevention by separation shall be an air gap or physical disconnection. The minimum air gap shall be 6 inches or two times the pipe diameter.
3. Backflow prevention devices shall be of the approved type, meeting ASSE standards, and shall comply with the most recent American Water Works Association Standards and shall be approved for containment by the University of Southern California, Foundation for Cross Connection Control and Hydraulic Research.
4. Backflow prevention devices shall be installed in a manner approved by the Director and in accordance with the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research recommendations and the manufacturer’s installation instructions. Vertical or horizontal positioning shall be as approved by the

University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research.

5. For the purpose of application to Special Conditions, point-of-use isolation devices or separations shall be as specified by the Director where reasonable assurance can be shown that the device or separation will protect the waterworks. As a minimum, point-of-use devices should bear an appropriate American Society of Sanitary Engineering Standard Number. See the Cross Connection Control Program, Appendix A, for Isolation Device Application.
6. Backflow prevention devices with openings, outlets, or vents that are designed to operate or open during backflow prevention shall not be installed in pits or areas subject to flooding.

XII. Maintenance and Inspection Requirements

1. It shall be the responsibility of the consumer to maintain all backflow prevention devices or separations installed in good working order and to make no piping or other arrangements for the purpose of bypassing or defeating backflow prevention devices or separations.
2. Operational testing and inspection schedule of all devices is hereby established and shall be inspected and tested immediately upon installation, upon repair or relocation and at least annually. More frequent testing and/or inspection may be required at the discretion of the Director.
3. Backflow prevention device overhaul procedures and replacement parts shall be in accordance with the manufacturer's recommendations.
4. Backflow prevention device testing procedures shall be in accordance with the ASSE Standards, Foundation for Cross-Connection Control and Hydraulic Research, Backflow Prevention Assembly Field Test Procedure, and the manufacturer's instructions.
5. All testers shall attend an annual tester's meeting conducted by the Town of Leesburg and register with the Town to remain on the approved Tester List.

XIII. Records

1. An up-to-date database of all cross connection control devices (including pressure sensing devices) or separations (including separations from auxiliary or nonpotable water systems and air gaps) installed shall be maintained by the Town. The database at a minimum will contain:
 - a. Location of backflow prevention device (address)
 - b. Manufacturer of device
 - c. Device model number
 - d. Device serial number
 - e. Device size
 - f. ASSE number
 - g. Device testing frequency
 - h. Last date tested
 - i. Pressure sensing device pressure set point (if applicable)
2. Test results will be maintained by the Town for ten years.

XIV. Procedures

1. Each high hazard facility will be accessed at least annually and low hazard facilities every three to five years, for cross connection hazards. Assessment may be performed by inspections, interviews, or by responding to mailed letter and testing report.
2. Each customer, excluding seasonal irrigation system customers, will be notified in writing as to any testing requirements 30 days prior to their annual due date. The form letter in Appendix C will be used to notify residents of testing due. The deadline for completing the installation and testing will be 30 days from the date of the letter.
3. Each seasonal irrigation system customer will be notified in writing of the testing requirement and submission of backflow test results shall be due to the town annually on or before June 1.
4. If a seasonal irrigation system customer chooses to no longer use the system one of the following requirements must be met:
 - a. The customer shall have the backflow prevention assembly connected, inspected and tested per the June 1st deadline stated above.
 - b. The customer shall permanently cut and cap the water line and contact the Town for inspection by the Town's Environmental Compliance Officer. The customer must sign a Memorandum of Understanding (MOU) stating that if the lawn irrigation system is returned to service the owner must notify the Town and test the backflow prevention assembly immediately or risk a non-compliance penalty.
5. Customers requesting a new service connection or reconnection to the waterworks must be assessed by on-site interview and inspection for cross connection hazards and the appropriate separation installed, inspected, and operational prior to making the service connection.
6. The town manager and duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, sampling and testing.
7. Any consumer found to be violating or in violation of any provision of this division shall be served a written notice and order sent certified mail to the consumer's last-known post office address, stating the nature of the violation, corrective action required and providing a reasonable time limit, not to exceed 30 days, from the date of receipt of notice and order, to bring the devices into compliance with this division.
8. Water service to a consumer shall be denied or discontinued upon continuation of any violation beyond the time limit provided in the notice given. When service is so discontinued, a fee for this resumption of service, after correction of said violation, in the amount established by the town council shall be charged.
9. Prior to issuance of Town of Leesburg Occupancy Permit, building must be inspected for compliance with cross connection and backflow prevention requirements. Owner is responsible for having all testable devices tested by a certified tester and documentation provided to the Department of Utilities prior to sign off per ASSE Standards.

XIV. Definitions

Air Gap — means the unobstructed vertical distance through the free atmosphere between the lowest point of the potable water outlet and the rim of the receiving vessel.

ASSE – means the American Society of Sanitary Engineering.

Auxiliary Water System — means any water system on or available to the premises other than the waterworks. These auxiliary waters may include water from a source such as wells, lakes, or streams; or process fluids; or used water. They may be polluted or contaminated or objectionable, or constitute an unapproved water source or system over which the water purveyor does not have control.

Backflow — means the flow of water or other liquids, mixtures, or substances into a waterworks from any source or sources other than its intended source.

Backflow Prevention by Separation (“Separation”) — means preventing backflow by either an air gap or by physical disconnection of a waterworks by the removal or absence of pipes, fittings, or fixtures that connect a waterworks directly or indirectly to a nonpotable system or one of questionable quality.

Backflow Prevention Device (“Device”) — means any approved device intended to prevent backflow into a waterworks.

Backpressure Backflow — means backflow caused by pressure in the downstream piping which is superior to the supply pressure at the point of consideration.

Backsiphonage Backflow — means backflow caused by a reduction in pressure which causes a partial vacuum creating a siphon effect.

Consumer — means person who drinks water from a waterworks.

Consumer’s Water Supply System (“Consumer’s System”) — means the water service pipe, water distributing pipes, and necessary connecting pipes, fittings, control valves, and all appurtenances in or adjacent to the building or premises.

Containment — means the prevention of backflow into a waterworks from a consumer’s water supply system by a backflow prevention device or by backflow prevention by separation in the service connection.

Contaminant — means any objectionable or hazardous physical, chemical, biological, or radiological substance or matter in water.

Cross Connection — means any connection or structural arrangement, direct or indirect, to the waterworks whereby backflow can occur.

Degree of Hazard — means either a high or low hazard based on the nature of the contaminant; the potential health hazard; the probability of the backflow occurrence; the method of backflow either by backpressure or by backsiphonage; and the potential effect on waterworks structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water.

Director — means the Director of the Town of Leesburg Department of Utilities.

Distribution Main — means a water main whose primary purpose is to provide treated water to service connections.

Division — means the Commonwealth of Virginia, Virginia Department of Health, Office of Water Programs, Division of Water Supply Engineering.

Domestic Use or Usage — means normal family or household use, including drinking, laundering, bathing, cooking, heating, cleaning and flushing toilets.

Double Check Valve Assembly — means an approved assembly designed to prevent backsiphonage or backpressure backflow and used for low hazard situations, composed of two independently operating, spring-loaded check valves, tightly closing shutoff valves located at each end of the assembly and fitted with properly located test cocks.

Entry Point — means the place where water from the source is delivered to the distribution system.

Health Hazard — means any condition, device, or practice in a waterworks or its operation that creates, or may create, a danger to the health and well being of the water consumer.

Isolation — means the prevention of backflow into a waterworks from a consumer's water supply system by a backflow prevention device or by backflow prevention by separation at the sources of potential contamination in the consumer's water supply system. This is also called point-of-use isolation. Isolation of an area or zone within a consumer's water supply system confines the potential source of contamination to a specific area or zone. This is called area or zone isolation.

Maximum Contaminant Level — means the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of a waterworks, except in the cases of turbidity and VOC's, where the maximum permissible level is measured at each entry point to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition. Maximum contaminant levels may be either "primary" (PMCL) meaning based on health considerations or "secondary" (SMCL) meaning based on aesthetic considerations.

Plumbing Fixture — means a receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water there from; or discharges used water, waste materials, or sewage either directly or indirectly to the drainage system of the premises; or requires both a water supply connection and a discharge to the drainage system of the premises.

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

Pollution Hazard — means a condition through which an aesthetically objectionable or degrading material may enter the waterworks or a consumer's water system.

Premises — means a piece of real estate; house or building and its land.

Pressure Vacuum Breaker — means an approved assembly designed to prevent backsiphonage backflow and used for high or low hazard situations, composed of one or two independently operating, spring-loaded check valves; an independently operating, spring-loaded air-inlet valve; tightly closing shutoff valves located at each end of the assembly; and fitted with properly located tests cocks.

Process Fluids — means any kind of fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted which would constitute a health, pollutional, or system hazard if introduced into the waterworks. This includes, but is not limited to:

1. Polluted or contaminated water,
2. Process waters,
3. Used water, originating from the waterworks which may have deteriorated in sanitary quality,
4. Cooling waters,
5. Contaminated natural waters taken from wells, lakes, streams, or irrigation systems,
6. Chemicals in solution or suspension, and
7. Oils, gases, acids, alkalis, and other liquids and gaseous fluid used in industrial or other processes, or for fire fighting purposes.

Pure Water or Potable Water — means water fit for human consumption and domestic use which is sanitary and normally free of minerals, organic substances, and toxic agents in excess of reasonable amounts for domestic usage in the area served and normally adequate in quantity and quality for the minimum health requirements of the persons served.

Reduced Pressure Principle Backflow Prevention Device (RPZ) device — means an approved assembly designed to prevent backsiphonage or backpressure backflow used for high or low hazard situations, composed of a minimum of two independently operating, spring-loaded check valves together with an independent, hydraulically operating pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the assembly and be fitted with properly located test cocks.

Service Connection — means the point of delivery of water to a customer's building service line as follows:

1. If a meter is installed, the service connection is the downstream side of the meter;
2. If a meter is not installed, the service connection is the point of connection to the waterworks;
3. When the water purveyor is also the building owner, the service connection is the entry point to the building.

System Hazard — means a condition posing a threat of or actually causing damage to the physical properties of the waterworks or a consumer’s water supply system.

Town — means the Town of Leesburg Department of Utilities.

Used Water — means water supplied from the waterworks to a consumer’s water supply system after it has passed through the service connection.

Water Supply — means the water that shall have been taken into a waterworks from all wells, streams, springs, lakes, and other bodies of surface water (natural or impounded), and the tributaries thereto, and all impounded groundwater, but the term “water supply” shall not include any waters above the point of intake of such waterworks.

Waterworks — means a system that serves piped water for drinking or domestic use to (1) the public, (2) at least 15 connections, or (3) an average of 25 individuals for at least 60 days out of the year. The term “waterworks” shall include all structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water except the piping and fixtures inside the building where such water is delivered (see Title 32.1, Article 2, *Code of Virginia*, 1950, as amended).

Waterworks Owner — means an individual, group of individuals, partnership, firm, association, institution, corporation, government entity, or the Federal Government which supplies or proposed to supply water to any person within this State from or by means of any waterworks (see Title 32.1, Article 2, *Code of Virginia*, 1950, as amended).

Appendix

Appendix A – Guide to Assessment of Hazard and Selection of Backflow Devices

Appendix B – Details

Drawing 1	Irrigation System Protection with Internal Backflow Device
Drawing 2	Irrigation System Protection with Exterior Backflow Device
Drawing 3	Film Developing Tank
Drawing 4	Commercial Dishwasher
Drawing 5	Commercial Washer
Drawing 6	Typical Meter Setter with Dual Check Valve (1” and Smaller)
Drawing 6a	Typical Meter Setter with Dual Check Valve (1.5” and 2”)
Drawing 7	Typical Double Check Valve for Service Line Larger than 2”
Drawing 8	Water Hauling Truck
Drawing 9	Commercial Fire Line Protection
Drawing 10	Carbonated Beverage Dispenser
Drawing 11	Typical RPZ Device for Service Line Larger than 2”

Appendix C – Sample Cross Connection Survey Form, Backflow Test Report, Cross Connection Letters and MOU

Appendix D - Thermal Expansion

Appendix A

This Appendix Section was prepared to establish guidelines to assist plumbers, suppliers, cross connection control inspectors, plumbing officials, regulatory agencies, etc., in the selection of backflow prevention devices for typical potable water fixtures throughout the industry. This section should be utilized as a guide for selection of backflow devices.

The use of manufacturer's trade names in this manual is for reference as to type, quality, materials and workmanship and shall not be considered as product endorsement by preparers of this manual.

All devices shown herein must meet ASSE standards.

GUIDE TO THE ASSESSMENT OF HAZARD AND SELECTION OF BACKFLOW DEVICES

	Internal Fixtures Requiring Backflow Protection	Approved Devices	Applicable Section(s)
1.	Coffee Urns	Dual check backflow preventer	9
2.	Commercial dishwasher	Atmospheric vacuum breaker	6 and 10
3.	Commercial garbage disposal	Atmospheric vacuum breaker	6 and 10
4.	Hose bibs – ▪ Outside	Vacuum breaker that permits manual draining for freeze protection	8
	▪ Inside – Note: All set screws must be secured and broken off	Vacuum breaker	8
5.	Sterilizers	Dual check backflow preventer	9
6.	Water closet tank	Anti-siphon ball cock (1" above water level)	
7.	Vacuum pumps	Backflow preventer with intermediate atmospheric vent	5
8.	Residential lawn sprinkler	Reduced pressure principle backflow preventer	2
9.	Commercial lawn sprinkler	Reduced pressure principle backflow preventer. Locate devices 4 feet above floor and readily accessible	2 & 10
10.	Commercial laundry	Backflow preventer with intermediate atmospheric vent	5
11.	Laundry trays or janitor's sink	Atmospheric vacuum breaker or hose connection vacuum breaker	6 & 8
12.	Tank vats or other vessels containing toxic substances	Reduced pressure principle backflow preventer	2
13.	Ice makers	Air gap, atmospheric vacuum breaker or backflow preventer with intermediate atmospheric vent	5 and 6
14.	Shampoo sink	Dual check backflow preventer	9
15.	Soda fountain	Dual check backflow preventer	9
16.	Film developing tank	Atmospheric vacuum breaker and tempering valve	6 and 10

17.	Film processor	Reduced pressure principle backflow preventer	2
18.	Swimming pools	Air gap	
19.	Yard hydrants	Dual check valve assembly. Also install nonpotable water signs (metal)	4
20.	Autoclave	Dual check valve assembly	9
21.	Boiler feed lines		
	▪ Toxic chemicals	Reduced pressure principle backflow preventer	2
	▪ Nontoxic chemicals	Backflow preventer with atmospheric vent	5
22.	Air conditioning chill water		
	▪ Toxic chemicals	Reduced pressure principle backflow preventer	2
	▪ Nontoxic chemicals	Backflow preventer with atmospheric vent	5
23.	Air conditioning condenser water		
	▪ Toxic chemicals	Reduced pressure principle backflow preventer	2
	▪ Nontoxic chemicals	Backflow preventer with atmospheric vent	5
24.	Air conditioning cooling towers	Air gap with no attached threads	
	▪ Chemical addition	Reduced pressure principle backflow preventer	2
25.	Dental cuspidor	Air gap	
26.	Flush valves	Vacuum breaker	10 and 11
27.	Ornamental fountains	Dual check valve assembly	4
28.	Soap dispenser	Atmospheric vacuum breaker	6
29.	Domestic flexible shower heads	Dual check valve assembly	9
30.	Commercial spray head	Dual check valve assembly	4 and 9
31.	Serrated faucet	Dual check valve assembly	9
32.	Baptismal fountain	Air gap, or dual check valve assembly	4
33.	Bed pan washer	Atmospheric vacuum breaker	6
34.	Aspirator	Atmospheric vacuum breaker	6
35.	Specimen tanks	Atmospheric vacuum breaker	6
36.	Autopsy & mortuary equipment		
	▪ Service line	Reduced pressure principle backflow preventer	2
	▪ All equipment to be individually protected		
37.	Bidet	Atmospheric vacuum breaker	6
38.	Bottle washer	Atmospheric vacuum breaker	6
39.	Hydro-therapy baths	Atmospheric vacuum breaker	6
40.	Pipette washer	Atmospheric vacuum breaker	6
41.	Pump prime lines	Backflow preventer with intermediate atmospheric vent	5

42.	Car washes		
	<ul style="list-style-type: none"> ▪ Main feed line 	Reduced pressure principle backflow preventer	2
	<ul style="list-style-type: none"> ▪ Internal equipment to be protected on individual basis 		
43.	Fire sprinkler systems with chemical addition	Contact Town	
44.	Fire sprinkler systems (nontoxic)	Contact Town	
45.	Degreasing equipment	Backflow preventer with intermediate atmospheric vent	5
46.	Heat exchanger used for domestic hot water		
	<ul style="list-style-type: none"> ▪ Double wall heat exchanger 		
	<ul style="list-style-type: none"> ▪ Toxic chemicals 	Reduced pressure principle backflow preventer	2
47.	Sewer flushing equipment	Air gap or reduced pressure principle backflow preventer	2
48.	Kitchen equipment	Equipment to be protected on individual basis	
49.	Commercial water softeners	Reduced pressure principle backflow preventer	2
50.	Livestock water systems	Internal connections to be protected on individual basis	
51.	Dairy equipment	Internal connections to be protected on individual basis	
52.	Booster pumps	Low pressure cutoff switch	
53.	Laboratory sinks –	Double check valve with intermediate vacuum breaker	9
54.	Vending machines	Double check valve with intermediate vacuum breaker	9
55.	Dry cleaning equipment	Reduced pressure backflow preventer	2
56.	Laboratories	All water outlets to be individually protected	
57.	Water hauling trucks	Air gap or double check valve assembly	3
58.	Bathtub with water fill below water level	Atmospheric vacuum breaker located between faucet and discharge, 6 inches above flood level and accessible	6

Section 2
Reduced pressure principle backflow preventer

ASSE Standard No. 1013
Sizes ¾" - 10"

Examples of Approved Devices

1. Zurn/Wilkens – Model 575
2. Watts – 909
3. Febco – 825, 825Y
4. Conbraco – XL RP
5. Ames – RP
6. Mueller – H-9506
7. Hersey – 6 CM, Model FRP
8. CLA – VAL – RP1, RP2
9. Rain-Bird – RPA

*All devices which meet ASSE. Standard No. 1013 are acceptable.

*Locate devices 4 feet above floor and readily accessible.

*Devices are to be tested annually or on a more frequent basis depending on the degree of hazard as determined by the governing authority.

*All backflow prevention devices shall meet the following ASSE applicable standards.

Device ASSE Standard

- Reduced pressure principle backflow preventer ASSE. No. 1013
 - Sizes ¾" – 10"
- Double check valve assembly ASSE. No. 1015
 - Sizes ½" – 10"
- Dual check valve assembly ASSE. – No. 1024
 - Sizes ½" – 1"
- Backflow preventer with intermediate atmospheric vent ASSE. No. 1012
 - Sizes ½" – ¾"
- Atmospheric vacuum breakers ASSE. No. 1001
 - Sizes ¼" – 4"
- Anti-siphon pressure type vacuum breakers ASSE. No. 1020
 - Sizes ½" – 2"
- Hose connection vacuum breakers ASSE. No. 1011
 - Sizes ¾"
- ANSI/ASSE 1019
- Laboratory faucet double check valve with intermediate vacuum breaker ASSE. No. 1035
 - Sizes ¼" – 3/8"

Section 3
Double Check Valve Assembly

ASSE No. 1015
Sizes ½" – 10"

Examples of Approved Devices

1. Febco 805Y, 805
2. Watts 709
3. Zurn/Wilkens 550, 550M
4. Hersey FDC
5. CLA – VAL D2, D
6. Rain-Bird DC-075 through DC 1000
7. Mueller H-9505
8. Ames DC
9. Conbraco XL DC

*All devices which meet ASSE Standard No. 1015 are acceptable.

*Locate devices 4 feet above floor and readily accessible.

Section 4
Dual Check Valve Assembly

ASSE Standard No. 1024
Sizes ½” – 1”

Examples of Approved Devices

1. Watts No. 7
2. Febco 810
3. Zurn/Wilkens No. 700
4. Hersey Model BSG
5. Ford HHC

*All devices which meet ASSE Standard No. 1024 are acceptable.

Section 5
Backflow Preventer with Intermediate Atmospheric Vent

ASSE Standard No. 1012
Sizes ½" – ¾"

Examples of Approved Devices

1. Hersey Model BCP
2. Watts 9-D

*All devices which meet ASSE Standard No. 1012 are acceptable.

Section 6

Atmospheric Vacuum Breakers

ASSE Standard No. 1001
Sizes ¼” – 4”

Examples of Approved Devices

1. Febco 710/715
2. Zurn/Wilkens 300, 315, 320
3. Watts 288A

*All devices which meet ASSE Standard No. 1001 are acceptable.

*Device shall not be installed under exhaust hoods or similar locations which will contain toxic fumes or vapors.

Section 7
Anti-Siphon Pressure Type Vacuum Breakers

ASSE Standard No. 1020
Sizes ½" – 2"

Examples of Approved Devices

1. Watts No. 800
2. Zurn/Wilkens 720A
3. Febco 765
4. CLA – VAL 27

*All devices which meet ASSE Standard No. 1020 are acceptable.

Section 8
Hose Connection Vacuum Breakers

ASSE Standard No. 1011
Size ¾”

Examples of Approved Devices

1. Watts

No. 8B

No. 8A

No. NF-8, permits manual draining for freezing conditions

2. Febco 730

3. Zurn/Wilkens BFP-8

*All devices which meet ASSE Standard No. 1011 are acceptable.

Section 9
Laboratory Faucet Double Check Valve with Intermediate Vacuum Breaker

ASSE No. 1035
Sizes 1/4" – 3/8"

Examples of Approved Devices

1. Watts

No. NLF9 (Laboratory faucets) noncontinuous pressure application.
Watts N9 (continuous pressure applications)

*All devices which meet ASSE Standard No. 1035 are acceptable.

Appendix B - Details

Appendix C – Sample Cross Connection Survey Form

Appendix D – Sample Backflow Test Report

Appendix E - Sample Cross Connection Letters

Appendix F - Thermal Expansion

Appendix B - Details

Appendix C – Sample Cross Connection Survey Form

Appendix D – Sample Backflow Test Report

Appendix E - Sample Cross Connection Letters

Appendix F - Thermal Expansion

Section 10
Dual Check / Beverage Dispensers Only

ASSE No. 1022
Sizes 1/4" – 1/2"

Examples of Approved Devices

1. Carmun CI-4004
2. Chudnow S47D
3. Lancer 17-0341

*All devices which meet ASSE Standard No. 1032 are acceptable.

Appendix C

Appendix D

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

These regulations adopted by ordinance set forth uniform requirements for users of the Publicly Owned Treatment Works for the Town of Leesburg and enables the Town of Leesburg 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 Code of Federal Regulations Part 403). The objectives of these regulations are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the system, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect 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 Town to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

These regulations shall apply to all users of the Publicly Owned Treatment Works. The regulations authorize 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.

1.2 Administration

Except as otherwise provided herein, the Town Manager shall administer, implement, and enforce the provisions of these regulations. Any powers granted to or duties imposed upon the Town Manager may be delegated by the Town Manager to other Town personnel. (Reference Town Code, Sewers and Sewer Disposal, Chapter 34, Article III, Sec 34-136)

SEWER USE REGULATIONS

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	U.S. Environmental Protection Agency
gpd	gallons per day
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 these regulations, shall have the meanings hereinafter designated.

- A. 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 20ø centigrade, usually expressed as a concentration (e.g., mg/l).
- B. 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)

SEWER USE REGULATIONS

persons or having gross annual sales or expenditures exceeding twenty five (25) million dollars (in second quarter 1980 dollars), if

- (c) 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 governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (4) The individuals described in paragraphs 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 Town.
- C. 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 apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- D. Town. The Town of Leesburg.
- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment

SEWER USE REGULATIONS

processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Town'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.

- J. 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.
- K. Town Manager: The town manager of the Town of Leesburg, or his authorized deputy, agent or representative.
- L. 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 plant, 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)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

SEWER USE REGULATIONS

- (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 onsite 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.
- M. 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 Town's NPDES permit, including an increase in the magnitude or duration of a violation.
- N. Person. Any individual, partnership, co partnership, 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 governmental entities.
- O. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- P. 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).
- Q. 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.

SEWER USE REGULATIONS

- R. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- S. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- T. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of these regulations.
- U. 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 Town of Leesburg. 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.
- V. 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 Town 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 in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Town may at any time, on its own initiative or in 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.
- W. Slug Load or Slug. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of these regulations.

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- X. Standard Industrial Classification (SIC) Code. A Classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- Y. Storm Water. Any flow occurring during or following any form of precipitation, and resulting from such precipitation, including snowmelt.
- Z. 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.
- AA. User or Industrial User. A source of indirect discharge.
- BB. 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.
- CC. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

- A. General Prohibitions. No user shall introduce or cause to be introduced 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 National, 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 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, including substances which may solidify or become viscous at temperatures between 32°F (0°C) and 150°F (65.5°C) and a pH between 5.0 and 11.0, but in no case solids greater than one-half inch in any dimension. Prohibited materials include, but are not limited to, grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, cement,

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spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, 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 150°F, 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, non-biodegradable 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 Town Manager in accordance with Section 3.4 of these regulations;
- (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 Town'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 Town Manager;
- (13) Sludge, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes, except as specifically authorized by the Town Manager in a wastewater discharge permit;

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- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail 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 100 mg/l;

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 categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- A. Upon the promulgation of the National Categorical Pretreatment Standards for an industrial subcategory, the Federal Standard, if more stringent than the limitations imposed by the Town and/or by the State for such subcategory, shall immediately supersede the Town and/or State limitations.
- B. When a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Town Manager may impose equivalent concentration or mass limits in accordance with 40 CFR § 403.6(c).
- C. When wastewater subject to a Categorical Pretreatment Standard is mixed, prior to the sampling location, with wastewater not regulated by the same standard, the own Manager shall, as appropriate, impose an alternate limit using the combined wastestream formula in 40 CFR § 403.6(e). Standards apply at the end of the regulated process unless the standard indicates otherwise.
- D. An Industrial User may obtain a variance from a Categorical Pretreatment Standard if it can prove, pursuant to the procedural and substantive provisions of 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.
- E. An Industrial User may obtain a net/gross adjustment to a Categorical Pretreatment Standard in accordance with 40 CFR § 403.15 (39-93-67.1)

2.3 State Pretreatment Standards

- A. Users are required to comply with applicable State pretreatment standards and requirements as set out in VR 680-14-01, which is incorporated herein by reference.

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- B. Upon the promulgation by the State of requirements and limitations on discharges that are more stringent than the equivalent Federal and Town limitations, the State limitation shall apply.

2.4 Local Limits

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following (instantaneous maximum allowable discharge limits):

0.1 mg/l	Arsenic	2.0 mg/l	Cyanide
0.1 mg/l	Benzene	0.1 mg/l	Lead
1.0 mg/l	Beryllium	0.1 mg/l	Mercury
1000 mg/l	BOD5	1.0 mg/l	Nickel
0.1 mg/l	Cadmium	100 mg/l	Oil and grease
0.1 mg/l	Chromium	1.0 mg/l	Selenium
1.0 mg/l	Copper	1.0 mg/l	Silver
1.0 mg/l	Silver	10 mg/l	Zinc
0.1 mg/l	Total phenols	1.0 mg/l	Boron
1000 mg/l	Total suspended solids		

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Town Manager may impose mass limitations in addition to, or in place of, the concentration- based limitations above.

2.5 Town's Right of Revision

The Town of Leesburg reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

2.6 Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Town 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.

SECTION 3 - PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with these regulations and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.1 of these regulations within the time limitations specified by EPA, the State, or the Town 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 Town Manager for review, and shall be acceptable to the Town 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 Town of Leesburg under the provisions of these regulations.

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Town 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 these regulations.
- B. The Town 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 Town 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 Town 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 Town Manager shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Town Manager may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Town Manager may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

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- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Town Manager of any accidental or slug discharge, as required by Section 6.6 of these regulations; 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 Town Manager, and at such times as are established by the Town Manager. Such waste shall not violate Section 2 of these regulations or any other requirements established by the Town of Leesburg. The Town Manager may require septic tank waste haulers to obtain wastewater discharge permits.
- B. The Town Manager shall require haulers of industrial waste to obtain wastewater discharge permits. The Town Manager may require generators of hauled industrial waste to obtain wastewater discharge permits. The Town Manager also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of these regulations.
- C. Industrial waste haulers may discharge loads only at locations designated by the Town Manager. No load may be discharged without prior consent of the Town Manager. The Town Manager may collect samples of each hauled load to ensure compliance with applicable standards. The Town 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.

SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION

4.1 Wastewater Analysis

When requested by the Town Manager, a user must submit information on the nature and characteristics of its wastewater within ten (10) days of the request. The Town Manager

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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 Town Manager, except that a significant industrial user that has filed a timely application pursuant to Section 4.3 of these regulations may continue to discharge for the time period specified therein.
- B. The Town Manager may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of these regulations.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of these regulations and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of these regulations. 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 thirty (30) days after said date, apply to the Town of Leesburg for a wastewater discharge permit in accordance with Section 4.5 of these regulations, and shall not cause or allow discharges to the POTW to continue after thirty (30) days of the effective date of these regulations except in accordance with a wastewater discharge permit issued by the Town Manager.

4.4 Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit that 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 this wastewater discharge permit, in accordance with Section 4.5 of these regulations, must be filed at least thirty (30) 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. The Town Manager may require all users to submit as part of an application the following information:

- A. All information required by Section 6.1(B) of these regulations;

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- 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. Hours of operation, and proposed hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- G. Time and duration of discharges; and
- H. Any other information as may be deemed necessary by the Town 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 submitting false information, including the possibility of fine and imprisonment for knowing violations.”

4.7 Wastewater Discharge Permit Decisions

The Town 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 Town Manager will determine whether or not to issue a wastewater discharge permit. The Town Manager may deny any application for a wastewater discharge permit.

SECTION 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 Town 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 Town 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.

5.3 Wastewater Discharge Permit Appeals

The Town Manager shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Town 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 Town Manager fails to act within sixty (60) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Circuit Court for Loudoun County within thirty (30) days of the final administrative action or, if no action is taken within ninety (90) days from the date the appeal is filed.

5.4 Wastewater Discharge Permit Modification

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

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

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 30 days advance notice to the Town Manager and the Town Manager approves the wastewater discharge permit transfer. The notice to the Town 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 Town Manager may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

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- A. Failure to notify the Town Manager of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Town Manager of changed conditions pursuant to Section 6.5 of these regulations;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Town 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 these regulations.

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 these regulations, a minimum of ten (10) days prior to the expiration of the user's existing wastewater discharge permit.

SECTION 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 Town 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 Town 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 of its anticipated flow and quantity of pollutants to be discharged.

- B. Users described above shall submit the information set forth below.
 - (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
 - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
 - (3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the 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 Town 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

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and shall be analyzed in accordance with procedures set out in Section 6.10 of these regulations.

- (c) Sampling must be performed in accordance with procedures set out in Section 6.9 of these regulations.
- (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 these regulations.
- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.6 of these regulations.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(7) of these regulations:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The user shall submit a progress report to the Town 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 Town Manager.

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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 Town Manager a report containing the information described in Section 6.1(B)(4-6) of these regulations. 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 these regulations.

6.4 Periodic Compliance Reports

- A. All significant industrial users shall, at a frequency determined by the Town 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 4.6 of these regulations.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Town Manager, using the procedures prescribed in Section 6.9 of these regulations, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

Each user must notify the Town 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 fifteen (15) days before the change.

- A. The Town 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 these regulations.
- B. The Town Manager may issue a wastewater discharge permit under Section 4.7 of these regulations or modify an existing wastewater discharge permit under

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Section 5.4 of these regulations in response to changed conditions or anticipated changed conditions.

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

6.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Town 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 Town 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 these regulations.
- 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 Un-permitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Town Manager as the Town 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 Town 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 Town Manager within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Town Manager monitors at the user's facility at least once a month, or if the Town Manager samples between the user's initial sampling and when the user receives the results of this sampling.

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6.9 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.

6.10 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 Town 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.

6.11 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.

6.12 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 date's analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Town of Leesburg, or where the Town Manager has specifically notified the user of a longer retention period.

SECTION 7 - COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The Town Manager shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of these regulations and any wastewater discharge permit or order issued hereunder. Users shall allow the Town 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 Town Manager will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Town 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 Town 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 annually 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 Town Manager and shall not be replaced. The costs of clearing such access shall be born by the user.
- E. Unreasonable delays in allowing the Town Manager access to the user’s premises shall be a violation of these regulations.
- F. **Inspections Fees - As required by the General Pretreatment Regulations (40 C.F.R. § 403), the Town will conduct annual pretreatment inspections of non-single family residential plumbing systems connected to the town’s sanitary sewer system. The charge for each inspection per connection, premises or account shall be:**

<u>5/8”</u>	<u>Meter</u>	<u>\$25.00</u>
<u>3/4”</u>	<u>Meter</u>	<u>\$32.50</u>
<u>1”</u>	<u>Meter</u>	<u>\$47.50</u>
<u>1 1/2”</u>	<u>Meter</u>	<u>\$75.00</u>
<u>2”</u>	<u>Meter</u>	<u>\$120.00</u>
<u>3”</u>	<u>Meter</u>	<u>\$225.00</u>

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<u>4"</u>	<u>Meter</u>	<u>\$375.00</u>
<u>6"</u>	<u>Meter</u>	<u>\$750.00</u>

7.2 Search Warrants

If the Town Manager has been refused access to a building, structure or property, he or she may obtain a search warrant upon demand.

SECTION 8 - CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Town Manager inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Town 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.

SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Town Manager shall publish annually, in the largest daily newspaper published in the Town of Leesburg where the POTW is located, 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 Town 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;

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- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Town 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 milestone 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 Town Manager determines, will adversely affect the operation or implementation of the local pretreatment program.

SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the Town 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 Town Manager may serve upon the user a written Notice of Violation. The Notice shall be served personally or by registered or certified mail, return receipt requested, on any authorized representative of the user at least 30 days prior to a scheduled hearing. The Notice shall specify the time and place for the hearing, facts and legal requirements related to the alleged violation, and the amount of any proposed penalty.

At the hearing the user may present evidence including witnesses regarding the occurrence of the alleged violation and the amount of the penalty, and the user may examine any witness for the Town. A verbatim record of the hearing shall be made.

Within 30 days after the conclusion of the hearing, the Town shall make findings of fact and conclusions of law and issue the order.

A hearing shall not be a bar against, or prerequisite for, taking any other action against the user to correct a violation.

~~When the Town 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 Town Manager may serve upon that user a written Notice of Violation. Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and~~

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~~prevention thereof, to include specific required actions, shall be submitted by the user to Town Manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Town Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.~~

10.2 ~~Consent Orders~~ **Amount of Penalty**

No order issued by the Town shall assess civil penalties in excess of \$32,500.00 per violation, not to exceed \$100,000.00 per order, or other such amount as may be allowed under Va. Code § 62.1-44.15(8a) or any successor statute, except with the consent of the user. In addition, the order may include a monetary assessment for actual damages to sewers, treatment works and appurtenances and for costs, attorney fees and other expenses resulting from the violation. Civil penalties in excess of the maximum amounts established in Va. Code § 62.1-44.15(8a) may be imposed only by a court in the amounts determined in its discretion but not to exceed amounts established in Va. Code § 62.1-44.32.

~~The Town Manager may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of these regulations and shall be judicially enforceable.~~

10.3 ~~Show Cause Hearing~~ **Basis of Penalty**

The actual amount of any penalty assessed shall be based upon the severity of the violations, the extent of any potential or actual environmental harm or facility damage, the compliance history of the user, any economic benefit realized from the noncompliance, and the ability of the user to pay the penalty.

~~The Town Manager may order a user which has violated, or continues to violate, any provision of these regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Town Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.~~

10.4 ~~Compliance Orders~~ **Right of Reconsideration of Appeal**

Any order issued by the Town, whether or not such order assesses a civil penalty, shall inform the user of his/her right to seek reconsideration or review within the Town, if authorized, and of his/her right to judicial review of any final order by appeal to the Loudoun County Circuit Court on the record of proceedings before the Town. To commence an appeal, the user shall file a petition in the Circuit Court within 30 days of the date of the order; failure to do so shall constitute a waiver of the right to appeal. With respect to matters of law, the burden shall be on the user seeking review to designate and demonstrate an error of law subject to review by the court. With respect to issues of fact, the duty of the court shall be limited to determining whether there was substantial evidence in the record to reasonably support such findings.

~~When the Town 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, Town Manager may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.~~

10.5 Cease and Desist Orders **Consent Orders**

The Town Manager may enter into a consent order, an agreement with assurance of voluntary compliance, or a similar document with any noncompliant user. The document shall state specific action the user must take to correct the noncompliance within a specific period of time. Such document shall have the same force and effect as a compliance order or cease and desist order issued pursuant to these regulations, and shall be judicially enforceable.

~~When the Town 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, or that the user's past violations are likely to recur, the Town Manager may issue an order to the user directing it to cease and desist all such violations and directing the user to:~~

- A. ~~Immediately comply with all requirements; and~~
- B. ~~Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.~~

~~Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.~~

10.6 Administrative Fines Compliance Orders

When the Town 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 Town Manager may issue an order to the user responsible for the discharge directing that user to comply within a specified time. If the user fails to comply within that specified time, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to resolve the noncompliance, including self-monitoring and management actions designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

~~A. — When the Town 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, Town Manager may fine such user in an amount not to exceed \$1000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.~~

~~B. — Unpaid charges, fines, and penalties shall, after one (1) calendar day, be assessed an additional penalty of ten percent (10%) of the unpaid balance. A lien against the user's property will be sought for unpaid charges, fines, and penalties.~~

~~C. — Users desiring to dispute such fines must file a written request for the Town Manager to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. Where a request has merit, the Town Manager may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Town Manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.~~

~~D. — Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.~~

10.7 Emergency Suspensions Cease and Desist Orders

When the Town 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, or that the user's

past violations are likely to recur, the Town Manager may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.8 Termination of Discharge **Emergency Suspensions**

After informal notice to the user, the Town Manager may immediately issue a suspension order whenever suspension is necessary to stop an actual or threatened discharge that reasonably appears to present an imminent or substantial danger to the health or welfare of the public. After giving the user written notice and an opportunity to respond, the Town Manager may also issue a suspension order if the discharge threatens to interfere with the operation of the POTW, or if it presents or may present a danger to the environment. The suspension order suspends a user's right to discharge.

- A. Any user notified of a suspension order shall immediately stop or eliminate its discharge to the POTW. If a user failed to immediately comply with the suspension order, the Town Manager may take any steps he/she deems necessary to prevent or minimize danger to any person or damage to the POTW or its receiving stream, including immediate severance of the sewer connection without further notice.
- B. Unless termination proceedings under these regulations are initiated or have been initiated against the user, the Town Manager may allow the user to recommence its discharge when the user has demonstrated to the Town Manager's satisfaction that the period of danger has passed.

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

10.9 Termination of Discharge

In addition to the provisions in Section 5.6 of these regulations, any user who violates the following conditions is subject to discharge termination:

- 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 these regulations.**
- F. Failure to make any reports when required by these regulations.**
- G. Falsification of any required report.**

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.1 of these regulations why the proposed action should not be taken. Exercise of this option by Town Manager shall not be a bar to, or a prerequisite for, taking any other action against the user.

SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the Town 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 Town Manager may petition the Circuit Court through the Town of Leesburg’s Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by these regulations on activities of the user. The Town Manager 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.

11.2 ~~Civil Penalties~~ **Criminal Prosecution**

- A. Any Person who willfully or negligently violates any provision of these regulations, any order or permit issued hereunder, or any other pretreatment requirement, or who willfully or negligently introduces any substance into the POTW that causes personal injury or property damage, shall, upon conviction, be guilty of a Class 1 misdemeanor and punished by a fine of not more than \$2,500, or by imprisonment for not more than 12 months, or both.**
- B. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to these regulations, any order or permit issued hereunder, or any other pretreatment requirement, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under these regulations, shall, upon conviction, be**

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guilty of a Class 1 misdemeanor and punished by a fine of not more than \$2,500, or by imprisonment for not more than 12 months, or both.

- A. ~~A user who 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 shall be liable to the Town for a civil penalty, not to exceed the maximum fine allowed for a Class 1 misdemeanor, for every such violation assessed at \$1000 per occurrence. Each day on which a violation exists shall constitute a separate violation.~~
- B. ~~The Town Manager may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town of Leesburg.~~
- C. ~~In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.~~
- D. ~~Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.~~

11.3 Criminal Prosecution **Remedies Nonexclusive**

The remedies provided for in these regulations are not exclusive, and it may not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted. The Town Manager may take any, all, or any combination of these actions against a noncompliant user.

~~Any Person who willfully or negligently violates any provision of these regulations, any order or permit issued hereunder, or any other pretreatment requirement, shall, upon conviction, be guilty of a Class 1 misdemeanor and punishable by the maximum fine or imprisonment, or both fine and imprisonment, as provided by law. Each day for which a violation is proven shall constitute a separate violation.~~

11.4 ~~Remedies Nonexclusive~~

~~The remedies provided for in these regulations are not exclusive. The Town Manager may take any, all or any combination of these actions against a noncompliant user.~~

SECTION 12 - SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Performance Bonds

The Town Manager may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of these regulations, a previous

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wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the Town of Leesburg, in a sum not to exceed a value determined by the Town Manager to be necessary to achieve consistent compliance.

12.2 Liability Insurance

The Town Manager may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of these regulations, 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.

12.3 Water Supply Severance

Whenever 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, 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.

12.4 Public Nuisances

A violation of any provision of these regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Town Manager. Any person(s) creating a public nuisance shall be subject to the provisions of the Town Code Section 15-33 and Section 15-34 governing such nuisances, including reimbursing the Town of Leesburg for any costs incurred in removing, abating, or remedying said nuisance.

12.5 Contractor Listing

Users, which have not achieved compliance with applicable pretreatment standards and requirements, are not eligible to receive a contractual award for the sale of goods or services to the Town of Leesburg. Existing contracts for the sale of goods or services to the Town of Leesburg held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Town Manager.

SECTION 13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 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,

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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 Town 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.

13.2 Prohibited Discharge Standards

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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 these regulations or the specific prohibitions in Sections 2.1(B) of these regulations (except as noted) if it can prove that it did not know, or have reason to know, that its discharge, alone 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 discharged 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 Town of Leesburg was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

13.3 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 paragraphs (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 Town Manager, at least ten (10) days before the date of the bypass, if possible.
 - (2) A user shall submit oral notice to the Town 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 Town

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

SECTION 14 –WASTEWATER TREATMENT RATES

Hauler	Source	Annual Volume (Gallons)	Charge
Town of Leesburg	Sewer Line Cleaning	50,000	N / A
Private Campers	Holding Tanks	600	N / A
Private Pumpers	Septage from Within Town of Leesburg	20,000	\$20 / 1,000 gallons
Private Pumpers	Septage from Outside the Town of Leesburg (on emergency basis only)	N / A	\$50 / 1,000 gallons
Private Pumpers	Pump Station Maintenance (from within Town of Leesburg)	10,000	N / A
Private Pumpers	Private Pump & Haul Facilities	5,000	\$5 / 1,000 gallons
Loudoun Water	Sewer Line Cleaning, Sludge form Small WWTP's	20,000	\$120 / Load
Not Acceptable	Grease Trap Waste	N / A	N / A

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Not Acceptable	Grit Trap Waste	N / A	N / A
Not Acceptable	Oil/Water Separators	N / A	N / A

Imported Waste Activated Sludge (WAS) \$30 / 1,000 gallons
 Heavy equipment rental (with operator) \$50 / ton

SECTION 15 - MISCELLANEOUS PROVISIONS

15.1 Pretreatment Charges and Fees

The Town of Leesburg may adopt reasonable fees for reimbursement of costs of setting up and operating the Town’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, **testing**, 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 Town of Leesburg 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 Town of Leesburg.
- F. When a user is deemed by the Department of Environmental Quality as a Significant Industrial User (SIU), the costs for pretreatment as outlined in this section shall be borne by the user.**

15.2 Severability

If any court of competent jurisdiction invalidates any provision of these regulations, the remaining provisions shall not be effected and shall continue in full force and effect.

SECTION 16 – GREASE, OIL AND SAND INTERCEPTORS

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

municipal manager, and shall be located as to be readily and easily accessible for cleaning and inspection. **Refer to Town Code Section 34-164, as adopted by Ordinance 2016-O-XXX, along with the Town's Design and Construction Standards Manual (DCSM).**

SECTION 17 – CONTROL MANHOLE FOR OBSERVATION, SAMPLING, ETC. OF INDUSTRIAL WASTE

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

SECTION 18 – METHOD AND PLACE OF MEASURING, TESTING, ETC. WASTES

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Waste Water, published by the American Public Health Association, and shall be determined at the control manhole provided in accord with section 15-37, or upon suitable samples taken at such manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

SECTION 19 – SPECIAL ARRANGEMENTS FOR ACCEPTANCE OF INDUSTRIAL WASTES

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor, by the industrial concern.

SECTION 20 – RIGHT OF ENTRY TO ENFORCE ARTICLE

The town manager and duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this article.

SECTION 21 - EFFECTIVE DATE

These regulations shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

APPENDIX

- Appendix A- Discharge Request Form
- Appendix B- Industrial Discharge Permit Application
- Appendix C- Industrial Pretreatment Sampling Guidelines
- Appendix D- Pretreatment Survey Form

APPENDIX A
Town of



Virginia

Department of Utilities

1385 East Market Street · 20176 · 703-771-2750 · FAX: 703-737-7185 · www.leesburgva.gov

Discharge Request Form

Date: _____ **Time:** _____ **New Customer** [] **Existing** []

Contact Name: _____

Company: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

Description of Discharge (chemicals, possible pollutants, MSDS info)
--

Discharge Volume: _____ Frequency: _____ One Time On-going

Proposed Discharge Date: _____ MSDS Attached:

SEWER USE REGULATIONS

Conditions that must be met prior to or during discharge:

Additional Comments:

Town of Leesburg Approval

Name:	
Title:	Date:
Signature:	

Conditions:

Discharge Permit Application Required:

Yes []

No []

APPENDIX B

Town of



Virginia

Department of Utilities

1385 East Market Street · 20176 · 703-771-2750 · FAX: 703-737-7185 · www.leesburgva.gov

Industrial Discharge Permit and Renewal Application

It is the responsibility of the industrial user to apply for permit and discharge permit at least ninety (90) days prior to permit's expiration date. To apply for a discharge permit and renewal complete and submit this form to:

Town of Leesburg
Attn: Environmental Compliance Inspector
1385 East Market Street
Leesburg, VA 20176

An expired permit will continue to be effective and enforceable until a new permit is issued if

- The applicant has submitted a Permit Renewal Application at least ninety (90) days prior to the expiration date of the user's existing permit.

APPENDIX C

Town of



Virginia

Department of Utilities

1385 East Market Street · 20176 · 703-771-2750 · FAX: 703-737-7185 · www.leesburgva.gov

Industrial Pretreatment Sampling Guides

I. Definitions:

- Sample- A sample is a known volume of wastewater representing the true characteristics in both volume and nature of the monitored discharge and collected for a specific duration of time at a specific location.
- Types of samples- The most common types of samples are grab samples and composite samples. These may be obtained either manually or automatically.
 - a. **Grab sample**- a single “dip and take” sample taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

b. **Composite sample**- a representative flow proportioned or time-proportioned sample collected within a twenty-four hour period composed of a minimum of four individual grab samples collected at equally spaced intervals and combined according to flow or in equal volumes.

II. Sample Collection and Preservation:

General Guidelines

- All sampling shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 or, if 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by the EPA and the Town.
- Self-monitoring at federal categorical sampling locations is to take place after treatment, if any, and prior to mixing with other waste streams. (Unless alternative discharge limits have been calculated per EPA requirements.)
- For all samples the time and date of sample collection, pH and the name of the person(s) collecting/preserving the samples and preservation methods must be recorded.
- All samples should be collected, stored and transported at $\leq 6^{\circ}$ C

Summary of Required Techniques

- pH- Immediately after collection of a grab sample measure for pH with a recently calibrated pH probe. Continuous pH monitoring with instantaneous data logging is also acceptable.
- Metals- Immediately after collection/compositing, samples must be measured for pH and preserved by adding nitric acid until a pH<2 is attained.
- Cyanide- The sample is to be collected at the point of discharge of cyanide bearing waste streams and downstream of any pretreatment system but prior to mixing with any other streams. Each cyanide sample shall be collected as a grab and immediately preserved by adding sodium hydroxide until a pH>12 is attained. If chlorine is present, the sample must be de-chlorinated with a reducing agent per 40 CFR 136 and in consultation with your analytical lab prior to adjusting the pH with sodium hydroxide. If sulfide is present the sample can either be preserved or analyzed within 24 hours.
- BOD, COD, NH₃ and TSS- Individual grab samples collected manually or automatically and used to make up the composite must be kept cool to $\leq 6^{\circ}$ C.

SEWER USE REGULATIONS

**Summary of Required Containers, Preservation Techniques and Holding Times
from 40 CFR Part 136, Table II**

Parameter No./Name	Container ¹	Preservation ^{2,3}	Maximum holding time ⁴
Table II—Inorganic Tests:			
1. Acidity	P, FP, G	Cool, ≤6 °C ¹⁸	14 days.
2. Alkalinity	P, FP, G	Cool, ≤6 °C ¹⁸	14 days.
4. Ammonia	P, FP, G	Cool, ≤6 °C ¹⁸ , H ₂ SO ₄ to pH<2	28 days.
9. Biochemical oxygen demand	P, FP, G	Cool, ≤6 °C ¹⁸	48 hours.
10. Boron	P, FP, or Quartz	HNO ₃ to pH<2	6 months.
11. Bromide	P, FP, G	None required	28 days.
14. Biochemical oxygen demand, carbonaceous	P, FP, G	Cool, ≤6 °C ¹⁸	48 hours.
15. Chemical oxygen demand	P, FP, G	Cool, ≤6 °C ¹⁸ , H ₂ SO ₄ to pH<2	28 days.
16. Chloride	P, FP, G	None required	28 days.
17. Chlorine, total residual	P, G	None required	Analyze within 15 minutes.
21. Color	P, FP, G	Cool, ≤6 °C ¹⁸	48 hours.
23–24. Cyanide, total or available (or CATC)	P, FP, G	Cool, ≤6 °C ¹⁸ , NaOH to pH>12 ⁹ , reducing agent ⁵	14 days.
25. Fluoride	P	None required	28 days.
27. Hardness	P, FP, G	HNO ₃ or H ₂ SO ₄ to pH<2	6 months.
28. Hydrogen ion (pH)	P, FP, G	None required	Analyze within 15 minutes.
31, 43. Kjeldahl and organic N	P, FP, G	Cool, ≤6 °C ¹⁸ , H ₂ SO ₄ to pH<2	28 days.
Table IB—Metals: ⁷			
18. Chromium VI	P, FP, G	Cool, ≤6 °C ¹⁸ , pH = 9.3–9.7 ²⁰	28 days.
35. Mercury (CVAA)	P, FP, G	HNO ₃ to pH<2	28 days.
35. Mercury (CVAFS)	FP, G; and FP-	5 mL/L 12N HCl or 5 mL/L	90 days. ¹⁷

Parameter No./name	Container ¹	Preservation ^{2,3}	Maximum holding time ⁴
	lined cap ¹⁷	BrCl ¹⁷	
3, 5–8, 12, 13, 19, 20, 22, 26, 29, 30, 32–34, 36, 37, 45, 47, 51, 52, 58–60, 62, 63, 70–72, 74, 75	P, FP, G	HNO ₃ to pH<2, or at least 24 hours prior to analysis ¹⁹	6 months.
Metals, except boron, chromium VI, and mercury			

SEWER USE REGULATIONS

38. Nitrate	P, FP, G	Cool, ≤6 °C ¹⁸	48 hours.
39. Nitrate-nitrite	P, FP, G	Cool, ≤6 °C ¹⁸ , H ₂ SO ₄ to pH<2	28 days.
40. Nitrite	P, FP, G	Cool, ≤6 °C ¹⁸	48 hours.
41. Oil and grease	G	Cool to ≤6 °C ¹⁸ , HCl or H ₂ SO ₄ to pH<2	28 days.
42. Organic Carbon	P, FP, G	Cool to ≤6 °C ¹⁸ , HCl, H ₂ SO ₄ , or H ₃ PO ₄ to pH<2	28 days.
44. Orthophosphate	P, FP, G	Cool, ≤6 °C ¹⁸	Filter within 15 minutes; Analyze within 48 hours.
46. Oxygen, Dissolved Probe	G, Bottle and top	None required	Analyze within 15 minutes.
47. Winkler	G, Bottle and top	Fix on site and store in dark	8 hours.
48. Phenols	G	Cool, ≤6 °C ¹⁸ , H ₂ SO ₄ to pH<2	28 days.
49. Phosphorous (elemental)	G	Cool, ≤6 °C ¹⁸	48 hours.
50. Phosphorous, total	P, FP, G	Cool, ≤6 °C ¹⁸ , H ₂ SO ₄ to pH<2	28 days.
53. Residue, total	P, FP, G	Cool, ≤6 °C ¹⁸	7 days.
54. Residue, Filterable	P, FP, G	Cool, ≤6 °C ¹⁸	7 days.
55. Residue, Nonfilterable (TSS)	P, FP, G	Cool, ≤6 °C ¹⁸	7 days.
56. Residue, Settleable	P, FP, G	Cool, ≤6 °C ¹⁸	48 hours.
57. Residue, Volatile	P, FP, G	Cool, ≤6 °C ¹⁸	7 days.
61. Silica	P or Quartz	Cool, ≤6 °C ¹⁸	28 days.
64. Specific conductance	P, FP, G	Cool, ≤6 °C ¹⁸	28 days.
65. Sulfate	P, FP, G	Cool, ≤6 °C ¹⁸	28 days.
66. Sulfide	P, FP, G	Cool, ≤6 °C ¹⁸ , add zinc acetate plus sodium hydroxide to pH>9	7 days.
67. Sulfite	P, FP, G	None required	Analyze within 15 minutes.
68. Surfactants	P, FP, G	Cool, ≤6 °C ¹⁸	48 hours.
69. Temperature	P, FP, G	None required	Analyze.
73. Turbidity	P, FP, G	Cool, ≤6 °C ¹⁸	48 hours.
Table IC—Organic Tests ⁸			
13, 18–20, 22, 24–28, 34–37, 39–43, 45–47, 56, 76, 104, 105, 108–111, 113. Purgeable Halocarbons	G, FP-lined septum	Cool, ≤6 °C ¹⁸ , 0.008% Na ₂ S ₂ O ₃ ⁵	14 days.
6, 57, 106. Purgeable aromatic hydrocarbons	G, FP-lined septum	Cool, ≤6 °C ¹⁸ , 0.008% Na ₂ S ₂ O ₃ ⁵ , HCl to pH 2 ⁹	14 days. ⁹
3, 4. Acrolein and acrylonitrile	G, FP-lined septum	Cool, ≤6 °C ¹⁸ , 0.008% Na ₂ S ₂ O ₃ ⁵ , pH to 4–5 ¹⁰	14 days. ¹⁰

SEWER USE REGULATIONS

7, 38. Benzidines ^{11,12}	G, FP-lined cap	Cool, ≤6 °C ¹⁸ , 0.008% Na ₂ S ₂ O ₃ ⁵	7 days until extraction. ¹³
14, 17, 48, 50–52. Phthalate esters ¹¹	G, FP-lined cap	Cool, ≤6 °C ¹⁸	7 days until extraction, 40 days after extraction.
82–84. Nitrosamines ^{11,14}	G, FP-lined cap	Cool, ≤6 °C ¹⁸ , store in dark, 0.008% Na ₂ S ₂ O ₃ ⁵	7 days until extraction, 40 days after extraction.
88–94. PCBs ¹¹	G, FP-lined cap	Cool, ≤6 °C ¹⁸	1 year until extraction, 1 year after extraction.
54, 55, 75, 79. Nitroaromatics and isophorone ¹¹	G, FP-lined cap	Cool, ≤6 °C ¹⁸ , store in dark, 0.008% Na ₂ S ₂ O ₃ ⁵	7 days until extraction, 40 days after extraction.
1, 2, 5, 8–12, 32, 33, 58, 59, 74, 78, 99, 101. Polynuclear aromatic hydrocarbons ¹¹	G, FP-lined cap	Cool, ≤6 °C ¹⁸ , store in dark, 0.008% Na ₂ S ₂ O ₃ ⁵	7 days until extraction, 40 days after extraction.
15, 16, 21, 31, 87. Haloethers ¹¹	G, FP-lined cap	Cool, ≤6 °C ¹⁸ , 0.008% Na ₂ S ₂ O ₃ ⁵	7 days until extraction, 40 days after extraction.
29, 35–37, 63–65, 107. Chlorinated hydrocarbons ¹¹	G, FP-lined cap	Cool, ≤6 °C ¹⁸	7 days until extraction, 40 days after extraction.
60–62, 66–72, 85, 86, 95–97, 102, 103. CDDs/CDFs ¹¹			
Aqueous Samples: Field and Lab Preservation	G	Cool, ≤6 °C ¹⁸ , 0.008% Na ₂ S ₂ O ₃ ⁵ , pH<9	1 year.
Solids and Mixed-Phase Samples: Field Preservation	G	Cool, ≤6 °C ¹⁸	7 days.
Tissue Samples: Field Preservation	G	Cool, ≤6 °C ¹⁸	24 hours.
Solids, Mixed-Phase, and Tissue Samples: Lab Preservation	G	Freeze, ≤-10 °C	1 year.
Table ID—Pesticides Tests:			
1–70. Pesticides ¹¹	G, FP-lined cap	Cool, ≤6 °C ¹⁸ , pH 5–9 ¹⁵	7 days until extraction, 40 days after extraction.

This table is an excerpt from 40 CFR Part 136 Table II and not considered to be complete. Analyzes that are not typically requested by the Town’s Industrial Pretreatment Program have been removed. For information regarding the footnotes, the reader must access the full version of 40 CFR 136.

III. Sample Chain of Custody and Analysis:

SEWER USE REGULATIONS

- The time, date, and location of sample collection, pH (if applicable) and the name of the person(s) collecting, preserving, and delivering the sample to the laboratory must be recorded on a sample chain of custody form.
- The analysis must comply with the approved methods found in 40 CFR 136.
- The chain of custody form and analytical results must be maintained a minimum of three years and made available to Town personnel upon demand.

IV. Quality Assurance:

- Good quality assurance is based on a set of operating procedures which are adhered to during sample collection and analysis thus ensuring that the data produced is of known and defensible quality.
- A standard operating procedure must be developed, which describes the sample control and documentation procedures during sample collection.
- The laboratory's quality control program must comply with 40 CFR 136 and should include at least seven elements: certification of operator competence, recovery of known additions, analysis of externally supplied standards, analysis of reagent blanks, calibration with standards, and analysis of duplicates and control charts.

V. Data Submittal to Town:

When submitting concentration data, the actual flow during the time of the sampling event must also be submitted. This enables the pretreatment program the ability to accurately calculate mass. For example, if the sample is a grab sample of a batch tank what is the volume of the tank during **that** sampling event. Reports shall be signed by an authorized representative or his or her designate and shall include the following statement:

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

APPENDIX D

Town of



Virginia

Department of Utilities

1385 East Market Street · 20176 · 703-771-2750 · FAX: 703-737-7185 · www.leesburgva.gov

Pretreatment Survey Form

[] New Customer [] Existing

I. Owner Information

- 1. Name: _____
- 2. Mailing Address: _____
City: _____ State: _____ Zip: _____
- 3. Owner Contact/Title: _____
Phone: _____ E-Mail: _____

II. Individual Completing Form

- 1. Name: _____
- 2. Mailing Address: _____
City: _____ State: _____ Zip: _____
- 3. Owner Contact/Title: _____

SEWER USE REGULATIONS

Phone: _____ E-Mail: _____

III. Facility Information

1. Name: _____
2. Address: _____
 City: _____ State: _____ Zip: _____
3. Facility Contact/Title: _____
 Phone: _____ E-Mail: _____
4. Water/Sewer Account Number: _____
5. Hours of Operation _____ Number of shifts: _____
 Employees Per Shift: _____ Total Employees: _____
6. Is operation subject to seasonal variation? Yes [] No [] Months of Peak: _____
7. Are there shutdowns for vacation, maintenance, or other reasons? Yes [] No [] Periods when Shut-Down Occurs: _____
8. Are Major Processes: Continuous [] Batch [] Number of Batches per Day: _____

IV. Activity Information

1. Does this facility or will this facility discharge to a Town’s sanitary sewer system (POTW)?
 [] YES [] NO
 If YES, then please provide the anticipated discharge date: _____
2. Type of Industry or Business: _____
3. Give a brief description of the operations at the business including primary products and services: _____
4. **A.)** Please place a check beside any of the industrial categories or business activities listed below which are employed by your facility

<input type="checkbox"/>	Adhesives and Sealants	<input type="checkbox"/>	Metal Finishing
<input type="checkbox"/>	Aluminum Forming	<input type="checkbox"/>	Nonferrous Metals Forming
<input type="checkbox"/>	Assembly	<input type="checkbox"/>	Offices
<input type="checkbox"/>	Battery Manufacturing	<input type="checkbox"/>	Organic Chemicals Manufacturing
<input type="checkbox"/>	Biotechnology	<input type="checkbox"/>	Paint or Ink Formulation

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	Cement Manufacturing		Painting, Finishing
	Cooling Tower		Paving & Roofing (<i>Tars & asphalt</i>)
	Copper Forming		Pesticides
	Electrical & Electronic Components		Photographic Processing
	Electroplating/Galvanizing		Pharmaceutical Processing
	Fertilizer Manufacturing		Plant Washdown
	Flammables, Explosives		Plastics Processing
	Food or Beverage Processing		Printing
	Gas Station		Repair Shop, Garage
	Government		Research
	Inorganic Chemicals Manufacturing		Restaurant
	Laboratory		Soaps/Detergent Manufacturing
	Laundry, Cleaning		Vehicle or Equipment Washdown
	Leather Tanning & Finishing		Warehousing
	Machine Shop		Wholesale Trade
	Manufacturing		Wood Preserving/ Finishing
	Meat Processing		Other (<i>Please specify</i>)
	Medical Care		

B.) Identify all North American Industrial Classification System (NAICS) and applicable Standard Industrial Classification (SIC) that best represent the principal products or services rendered by this facility and major co-located activities:

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NAICS	SIC	Principal Product

5. Does this facility currently hold a NPDES/VPDES permit, or any other environmental permit? If so, please list the permit type, permit number, and expiration date here:

6. Description of Industrial Process. Note which processes discharge wastewater to the POTW.

7. List raw materials and products used (include products or chemicals used in processing, cleaning, etc.). Please attach MSDS sheets for each.

SEWER USE REGULATIONS

8. Please check source(s) of water used:

"X"	SOURCE	ESTIMATED GALLONS PER DAY USED
	Town of Leesburg Utilities	
	Private Well	
	Other (<i>Specify</i>)	
	TOTAL	

<u>Equipment Type</u>	<u>Water Usage (gpd)</u>	<u>Equipment Type</u>	<u>Water Usage (gpd)</u>
Boiler Feed		Rinse Water	
Cooling Water		Sanitary System	
Evaporation		Plant / Equipment Washdown	
Contained in Product		Other:	
Process Water		Other:	
Total Daily Water Usage:			

V. Discharge Information

1. Circle days of the week that discharge occurs: Sun Mon Tue Wed Thur Fri Sat

2. Estimated daily wastewater discharge (gallons per day):

TYPE	GALLONS/DAY		*FLOW I OR C	DESCRIPTION OF WASTEWATER
	AVERAGE	MAXIMUM		
Sanitary/domestic				
Cooling				

SEWER USE REGULATIONS

Boiler Blow Down				
Process 1				
Process 2				
Process 3				
Process 4				
Process 5				
Commercial Kitchen				
Other				

*Intermittent or Continuous

3. Describe the methods used for flow measurement and/or flow estimation in item D-2 above.

4. Are process industrial wastes physically separated from all other wastes prior to discharge to the POTW? YES NO

Comments/Description: _____

SEWER USE REGULATIONS

6. List the type and quantity of wastes, fluids, industrial sludges, or pollutants being stored or managed at this facility. Briefly describe the storage facilities and list any measures taken to prevent the stored material from reaching the POTW.

VII. Waste Generation and Disposal Information

1. List types and amounts of chemicals used in gallons per day. Indicate the method of disposal for each chemical by listing the letter that corresponds to the appropriate method listed below.

Method of Disposal:

- A. Discharge to Town’s water system with no treatment.
- B. Discharge to Town’s sewer waste system after pretreatment.
- C. Placement with trash for collection.
- D. On-site storage, treatment or disposal.
- E. Shipment off-site by outside hazardous hauler to waste management facility.
- F. Other (specify)

Waste/Chemical Used	Amount (gpd)	Method of Disposal
Grease		
Oil		
Solvent		
Paints		
Other (specify)		

2. If an outside firm removes hazardous waste, state the name and address of all waste haulers and indicate the frequency of pick-up.

Name of Waste Hauler	Address	Frequency

¹ Pretreatment facilities includes both simple devices such as **oil/water separators, grease traps or flow equalization tanks**, as well as more complex processes such as **heavy metals removal systems**.

SEWER USE REGULATIONS

3. EPA Hazardous Waste Identification Number (if applicable): _____

(Pretreatment Survey Form Continued on following page)

VIII. Characteristics and Concentrations of Pollutants in Wastewater Discharge

1. Provide recent monitoring or modeling data (within the last year) for the following parameters.

Conventional Parameters

Present (Y or N)	Parameter	Units	Average	Maximum	Minimum
	pH	Standard Units (SU)			
	Biochemical Oxygen Demand (BOD ₅)	mg/L			
	Total Suspended Solids	mg/L			
	Oil and Grease (petroleum based)	mg/L			

SEWER USE REGULATIONS

	Oil and Grease (animal/vegetable based)	mg/L			
	Sulfate	mg/L			
	Ammonia	mg/L			
	Temperature	°C			
	Total Phosphorus	mg/L			
	Total Kjeldahl Nitrogen	mg/L			

Metal Parameters

Present (Y or N)	Parameter	Units	Average	Maximum	Minimum
	Arsenic	mg/L			
	Cadmium	mg/L			
	Chromium	mg/L			
	Copper	mg/L			
	Cyanide	mg/L			
	Lead	mg/L			
	Mercury	mg/L			
	Molybdenum	mg/L			
	Nickel	mg/L			
	Selenium	mg/L			
	Silver	mg/L			
	Zinc	mg/L			

All metals shall be reported as total metals for each parameter.

- To the best of your knowledge, are any of the following pollutants present or suspected of being present in the wastewater discharge to the POTW? If yes, please provide the anticipated or known concentrations (after pretreatment) in parts per million (ppm), milligrams per liter (mg/L) or parts per billion (ppb). Provide recent monitoring data (within the last year) if available.

Organics and Volatiles

SEWER USE REGULATIONS

Present (Y or N)	Parameter	Units	Average	Maximum	Minimum
	Chloromethane (Methyl Chloride)	mg/L			
	Bromomethane (Methyl Bromide)	mg/L			
	Vinyl Chloride	mg/L			
	Chloroethane	mg/L			
	Methylene Chloride	mg/L			
	Acrolein	mg/L			
	Acrylonitrile	mg/L			
	Trichlorofluoromethane	mg/L			
	1,1-Dichloroethylene	mg/L			
	1,1-Dichloroethane	mg/L			
	1,2-trans-dichloroethylene	mg/L			
	Chloroform	mg/L			
	1,2-Dichloroethane	mg/L			
	1,1,1-Trichloroethane	mg/L			
	Carbon Tetrachloride	mg/L			
	Chlorodibromomethane	mg/L			
	1,1-Dichloropropane	mg/L			
	1,3-Dichloropropylene	mg/L			
	Benzene	mg/L			
	Dichlorobromomethane	mg/L			
	1,1,2-Trichloroethane	mg/L			
	2-Chloroethyl vinyl ether	mg/L			
	Bromoform (Tribromomethane)	mg/L			
	Tetrachloroethylene	mg/L			
	1,1,2,2,-Tetrachloroethane	mg/L			
	Toluene	mg/L			
	Chlorobenzene	mg/L			

SEWER USE REGULATIONS

	Ethylbenzene	mg/L			
	1,3-Dichlorobenzene	mg/L			
	1,4-Dichlorobenzene	mg/L			
	1,2-Dichlorobenzene	mg/L			

Acid Extractable

Present (Y or N)	Parameter	Units	Average	Maximum	Minimum
	Phenol	mg/L			
	2-Chlorophenol	mg/L			
	2-Nitrophenol	mg/L			
	2,4-Dichlorophenol	mg/L			
	Parachlorometacresol	mg/L			
	2,4,6-Trichlorophenol	mg/L			
	2,4-Dinitrophenol	mg/L			
	4-Nitrophenol	mg/L			
	4,6-dinitro-o-cresol	mg/L			
	Pentachlorophenol	mg/L			
	N-Nitrosodimethylamine	mg/L			
	Benzidine	mg/L			

Base Neutral

Present (Y or N)	Parameter	Units	Average	Maximum	Minimum
	Bis (2-chloroethyl) ether	mg/L			
	1,3,-Dichlorobenzene	mg/L			
	1,4-Dichlorobenzene	mg/L			
	1,2-Dichlorobenzene	mg/L			

SEWER USE REGULATIONS

	Bis (2-Chloroisopropyl) ether	mg/L			
	N-Nitrosodi-N-propylamine	mg/L			
	Hexachloroethane	mg/L			
	Nitrobenzene	mg/L			
	Isophorone	mg/L			
	Bis (2-chloroethoxy) methane	mg/L			
	1,2,4-Trichlorobenzene	mg/L			
	Naphthalene	mg/L			
	Hexachlorobutadiene	mg/L			
	Hexachlorocyclopentadiene	mg/L			
	2-Chloronaphthalene	mg/L			
	Dimethylphthalate	mg/L			
	Acenaphthylene	mg/L			
	2,6-Dinitrotoluene	mg/L			
	Acenaphthene	mg/L			
	2,4-Dinitrotoluene	mg/L			
	Diethylphthalate	mg/L			
	Fluorene	mg/L			
	4-Chlorophenyl phenyl ether	mg/L			
	N-Nitrosodiphenylamine	mg/L			
	1,2,-Diphenylhydrazine	mg/L			
	1,2,-Diphenylhydrazine	mg/L			
	4-Bromophenyl pheny ether	mg/L			
	Hexachlorobenzene	mg/L			
	Phenanthrene	mg/L			
	Anthracene	mg/L			
	Di-n-buthyphthalate	mg/L			
	Fluoranthene	mg/L			
	Pyrene	mg/L			

SEWER USE REGULATIONS

	Butyl benzyl phthalate	mg/L			
	Chrysene	mg/L			
	3,3-Dichlorobenzidine	mg/L			
	Benzo (a) anthracene	mg/L			
	Bis (2-ethylhexyl) phthalate	mg/L			
	Di-n-octylphthalate	mg/L			
	Benzo (b) fluoranthene	mg/L			
	Benzo (k) fluoranthene	mg/L			
	Benzo (a) pyrene	mg/L			
	Indeno (1,2,3-C,D) pyrene	mg/L			
	Dibenzo (a,h) anthracene	mg/L			
	Benzo (g,h,i.) Perylene	mg/L			
	PCB 1016	mg/L			
	PCB 1221	mg/L			
	PCB 1232	mg/L			
	PCB 1248	mg/L			
	PCB 1254	mg/L			
	PCB 1260	mg/L			

Pesticides

Present (Y or N)	Parameter	Units	Average	Maximum	Minimum
	Alpha BHC	mg/L			
	Beta BHC	mg/L			
	Gamma BHC	mg/L			
	Delta BHC	mg/L			
	Heptachlor	mg/L			
	Aldren	mg/L			
	Heptachlor expoxide	mg/L			

SEWER USE REGULATIONS

	Alpha-endosulfan	mg/L			
	4,4-DDE	mg/L			
	Dieldrin	mg/L			
	Endrin	mg/L			
	Beta-endosulfan	mg/L			
	4,4-DDD	mg/L			
	Endosulfan sulfate	mg/L			
	Endrin aldehyde	mg/L			
	Chlordane	mg/L			
	Toxaphene	mg/L			
	TCDD (Dioxin)	mg/L			

List any other substances/characteristics known to be present but not identified by the preceding lists. Identify those substances here:

IX. Required Attachments

1. Provide facility "Plumbing Plans" which show the origin and flow paths of all generated waste streams.
2. Provide a facility "Site Piping Plan" for determination of appropriate sampling points.
3. Provide schematic and/or final engineering drawings for the proposed/existing waste pretreatment system.
4. Provide copies of all existing environmental regulatory permits for these facilities.

SEWER USE REGULATIONS

- 5. Attach all other relevant information that would aid in evaluating the proposed wastewater characteristics (e.g. laboratory analyses, control test logs, etc.).

X. Certification

I certify under the 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 information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME (Type or Print)

SIGNATURE

TITLE

DATE

PRESENTED: March 29, 2016

ORDINANCE NO. _____

ADOPTED: _____

AN ORDINANCE: AMENDING CHAPTER 34 (UTILITIES), ARTICLE II (WATER SYSTEM) AND III (SEWERS AND SEWER DISPOSAL) AND APPENDIX B--FEE SCHEDULE.

WHEREAS, the Town of Leesburg's Department of Utilities ("Utilities") has identified the need for Town Code amendments to clarify and further define various sections of Chapter 34, in Article II (Water System) and III (Sewers and Sewer Disposal) of the Town Code; and

WHEREAS, enactment of certain fees and charges for activities provided and performed by Utilities is necessary to offset the costs associated with these services ; and

WHEREAS, the amount of these fees and charges is comparable to, or lower than the fees and charges for similar services in neighboring jurisdictions with similar population sizes; and

WHEREAS, the Leesburg Town Council conducted an advertised public hearing on March 29, 2016 and recommended approval of the proposed amendments and enactment of the new fees and charges.

THEREFORE, ORDAINED by the Council of the Town of Leesburg in Virginia as follows:

SECTION I. That Chapter 34 (Utilities), Article II (Water System) of the Town Code of Leesburg is hereby amended to read as follows:

Sec. 34-40. - Portability of water availability fees.

- (a) All paid water availability fees which have been paid for the issuance of the public facility permit (receipt) shall attach and run with the parcel.
- (b) Paid water availability fees are transferable within one commercial parcel with a single owner. Minimum commercial water availability fee, as established by council, shall remain with each meter connection ~~commercial street address~~. Upon evaluation of available historical records, paid water availability fees in excess of the minimum required commercial fee per use may be eligible for portability. This subsection shall not apply to residential parcels.

AN ORDINANCE: AMENDING CHAPTER 34 (UTILITIES), ARTICLE II (WATER SYSTEM) AND III (SEWERS AND SEWER DISPOSAL) AND APPENDIX B--FEE SCHEDULE.

- (c) Parcel owner must consent to transfer paid water availability fee from one meter connection ~~commercial street address~~ to another within the same parcel.
- (d) If any person enlarges a structure or extends the use of the town water system to any new or additional use on a premise, an availability fee shall be paid for the additional use, whether or not a new or enlarged connection is required. This subsection shall only apply if there is a transferable balance from previously paid water availability fees.

Sec. 34-62. - Rate for water drawn at hydrant or public meter.

Water drawn at an existing designated public fire hydrant with a town issued hydrant meter is assessed a service charge per quarter in addition to the usage water rate per 1,000 gallons of water withdrawn. Water drawn at the K.B. Rollins Water Treatment Plant will be charged a per day, per truck service charge and a processing fee per billing in addition to the usage water rate per 1,000 gallons of water withdrawn. The charges set forth in this section shall be established by the town council.

Sec. 34-68. - Adjustment of bills ~~for underground leaks.~~

- (a) When a leak develops in an underground water pipe between a water meter and a premises and the property owner or tenant cannot, by the use of ordinary diligence, discover such leak, the town may adjust the water bill of the user at such location. The policy regarding adjustment of accounts shall be established per adopted policy by the town manager. No credit shall be allowed after ten days from the date the property owner or tenant has knowledge of such leak.

Sec. 34-69 - When due and payable; notice, late payment penalty and second billing to delinquent accounts; discontinuance of service to delinquent accounts.

- (a) Water bills are due and payable within 30 days from the date of billing.
- (b) A grace period of 4 business days will be permitted for payments in transit before penalties are applied to unpaid accounts. Any billing that remains unpaid after 30 days and such grace period, ~~after 30 days~~ is subject to a ten percent late payment penalty plus an allowance for interest as determined by state code. These amounts will be added to the total amount due and payable.
 1. The adopted policy regarding waiver of late payment penalties shall be established by the town manager.
- (c) A notice shall be mailed in the form of a second billing, which will include the late payment penalty and interest. ~~at the end of 30 days from the date of billing, and water service will be discontinued if not paid in full within ten days from the date of such notice.~~ Payment is due within 10 days from the date of the second billing notice.
- (d) ~~When service is to be so discontinued, a fee for the disconnection and resumption of service in the amount~~ A Delinquent Account Processing Fee, established by the town council shall be charged to all accounts not paid within 10 days from the second billing notice.

AN ORDINANCE: AMENDING CHAPTER 34 (UTILITIES), ARTICLE II (WATER SYSTEM) AND III (SEWERS AND SEWER DISPOSAL) AND APPENDIX B--FEE SCHEDULE.

1. If the water bill remains unpaid after 10 days from the date of the notice of the second billing, water service will be discontinued and resumption of service will not occur until the total account balance is paid in full.
2. In the event water is discontinued and a security deposit has previously been refunded pursuant to § 34-58(b), a new security deposit shall be required under § 34-58(a) before water service will be restored.
3. If the water bill remains unpaid and the account is closed, the Town shall mail a notice in the form of a final billing to include all past due fees. A collections processing fee, established by the town council shall be charged to all closed accounts not paid within 10 days from the final billing notice.

Sec. 34-72. - Denial or discontinuation of water service due to leaks.

- (a) It shall be unlawful for a customer to forego repair of water leaks in the supply line or within the premises when identified by town personnel, including but not limited to fire sprinkler systems. The penalty for foregoing repairs shall be denial or discontinuation of water service.
- (b) For major leaks (greater than 300 percent of average usage), the town will shut off water service to the property immediately, upon detection of the leak. The town will attempt to verbally notify the owner of the property within 24 hours of the action taken and in writing within (3) three business days of the action taken. Water service will not be restored until the leak has been repaired to the town's satisfaction.
- (c) For minor leaks (between 75 percent and 300 percent of average usage), the town shall notify the property owner in writing of any water leaks detected by the town. The property owner shall repair the leak to the town's satisfaction within 60 days from date of written notification. If, after 60 days, the leak has not been repaired to the town's satisfaction, the town will discontinue water service to the property.
- (d) A connection fee, established by town council, will be charged to re-establish water service.

SECTION II. That Chapter 34 (Utilities), Article III (Sewers and Sewer Disposal) of the Town of Leesburg Code, be and the same is hereby amended to read as follows:

Sec. 34-136. - Sewer use regulations.

The sewer use regulations, as may be amended from time to time, ~~is~~ **are** hereby incorporated herein by reference and made a part hereof as if fully set out in this article.

AN ORDINANCE: AMENDING CHAPTER 34 (UTILITIES), ARTICLE II (WATER SYSTEM) AND III (SEWERS AND SEWER DISPOSAL) AND APPENDIX B--FEE SCHEDULE.

Sec. 34-137. - Portability of sewer availability fees.

- (1) Paid sewer availability fees are transferable within one commercial parcel with a single owner. Minimum commercial sewer availability fees as established by council shall remain with each meter connection ~~commercial street address~~. Upon evaluation of available historical records, paid sewer availability fees in excess of the minimum required commercial fee per use may be eligible for portability. This subsection shall not apply to residential parcels.
- (2) A P parcel owner must consent to transfer the paid sewer availability fee from one meter connection ~~commercial street address~~ to another within the same parcel.

SECTION III. That Chapter 34 (Utilities), Article III (Sewers and Sewer Disposal) of the Town of Leesburg Code, be and the same is hereby amended to read as follows:

Division 3. - Fats, Oils and Grease (FOG) Program.

Sec. 34-164. - Purpose and applicability.

- (a) Purpose. The purpose of this division is to aid in preventing the introduction and accumulation of fats, oils and grease, into the town's public sewer system that may contribute to sanitary sewer blockages and obstructions.
- (b) Applicability. The provisions of this division shall apply to all food service establishments defined herein, within the town that are required under the Commonwealth of Virginia/State Board of Health and Waterworks Regulations to have grease control devices and to all grease haulers providing service to any such food service establishment.

Sec. 34-165. - Definitions.

The following words and terms used in this division shall have the following meanings, unless the context clearly indicates otherwise:

Town Manager means the town manager, or his authorized designee.

Fats, oils and grease (FOG) means material, either liquid or solid, composed of fats, oils or grease from animal or vegetable sources. Examples of FOG include, but are not limited to, kitchen cooking grease, vegetable oil, bacon grease and organic polar compounds derived from animal or plant sources that contain multiple carbon triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in Title 40, Part 135 of the Code of Federal Regulations (40 CFR § 136), as may be amended from time to time.

AN ORDINANCE: AMENDING CHAPTER 34 (UTILITIES), ARTICLE II (WATER SYSTEM) AND III (SEWERS AND SEWER DISPOSAL) AND APPENDIX B--FEE SCHEDULE.

Food service establishment means any commercial, institutional, or food processing facility that discharges kitchen or food preparation wastewaters and that is required to have a grease control device under the Virginia Uniform Building Code or applicable sewer regulations of the town.

Grease control device means a device used to collect, contain, and remove food waste and grease from the wastewater while allowing the remaining wastewater to be discharged to the town's wastewater collection system by gravity. Devices include grease interceptors, grease traps, automatic grease removal devices or other devices approved by the town manager.

Grease hauler means a contractor who collects the contents of a grease interceptor or trap and transports it to a recycling or disposal facility. A grease hauler may also provide other services related to grease interceptor maintenance for a food service establishment.

Grease interceptor means a structure or device, usually located underground and outside of a food service establishment, designed to collect, contain and remove food waste and grease from the wastewater while allowing the remaining wastewater to be discharged to the town's wastewater collection system by gravity.

Grease removal device means an active, automatic device that separates and removes FOG from effluent discharge and that cleans itself of accumulated FOG at least once every twenty-four (24) hours utilizing electromechanical apparatus.

Grease trap means a device typically located indoors and under the sink, designed for separating and retaining grease prior to the wastewater exiting the trap and entering the wastewater collection system. Such devices are typically passive (gravity fed) and compact with removable baffles.

Public sewer system includes the pipelines or conduits, pumping stations, force mains, and all other construction, devices, and appliances appurtenant thereto, located within the Town of Leesburg and used for the conveyance of residential, commercial or industrial sewage or wastewater or other wastes.

Renderable FOG container means a closed, leak-proof container for the collection and storage of yellow grease.

Virginia Uniform Statewide Building Code includes the model codes incorporated by reference therein, including, specifically, the International Plumbing Code.

Yellow grease means FOG used in food preparation that has not been in contact or contaminated with other sources such as water, wastewater or solid waste. An example of

AN ORDINANCE: AMENDING CHAPTER 34 (UTILITIES), ARTICLE II (WATER SYSTEM) AND III (SEWERS AND SEWER DISPOSAL) AND APPENDIX B--FEE SCHEDULE.

yellow grease is fryer oil, which can be recycled into products such as animal feed, cosmetics and alternative fuel. Yellow grease is also referred to as renderable FOG.

Sec. 34-166. - Grease control devices.

(a) Requirements. All food service establishments shall have a grease control device or devices which have been approved by the town manager, and which meet all applicable requirements of the Virginia Uniform Statewide Building Code, as determined by the building code administrator. Notwithstanding the foregoing, any grease control device sized in accordance with the Town of Leesburg Sewer Use Regulations shall be deemed to meet the requirements of the section.

1. New establishments. Except as provided in subsection (a)(2), new food service establishments, including those operated by a new owner or for a different use, shall be required to install, operate and maintain a grease control device in compliance with the requirements of the Virginia Uniform Statewide Building Code. Grease control devices shall be installed and registered in accordance with this section prior to the issuance of a certificate of occupancy.
2. Existing establishments. Food services establishments in operation as of the effective date of this division may continue to operate and maintain their existing grease control devices, provided such grease control devices are in proper operating condition and are not found to be contributing FOG in quantities sufficient to cause line stoppages or to necessitate increased maintenance of the sanitary sewer system. An existing food service establishment shall install a new grease control device that complies with the requirements of the Virginia Uniform Statewide Building Code if its grease control device is determined by the town manager not to be in proper operating condition or if the food service establishment is found to be contributing FOG in quantities sufficient to cause line stoppages or to necessitate increased maintenance of the sanitary sewer system.
3. Renovations or expansions. Food service establishments that are renovated or expanded shall, if required by the Virginia Uniform Statewide Building Code, install new grease control devices meeting the requirements of such code.
4. Retrofitting. Existing food service establishments lacking approved grease control devices by reason of having been grandfathered from such requirements under the Virginia Uniform Statewide Building Code shall, if required, install grease control devices in accordance with town regulations. Such grease control devices shall be registered within thirty (30) days of installation.

(b) Installation. Grease control devices shall be installed by a plumber licensed in the Commonwealth of Virginia. Every grease control device shall be installed

AN ORDINANCE: AMENDING CHAPTER 34 (UTILITIES), ARTICLE II (WATER SYSTEM) AND III (SEWERS AND SEWER DISPOSAL) AND APPENDIX B--FEE SCHEDULE.

and connected so that it may be readily accessible for inspection, cleaning, and removal of the intercepted food waste and grease at any time.

(c) Maintenance. Grease control devices shall be maintained as follows:

- 1. Grease control devices shall be properly maintained at all times. Maintenance shall include the complete removal of all contents, including floating material, wastewater and settled solids. Decanting or discharging of removed waste back into the grease interceptor or private sewer line or into any portion of the town's wastewater collection system is prohibited.**
- 2. Grease interceptors shall be pumped out completely when the total accumulation of surface FOG, including floating solids and settled solids, reaches twenty-five (25) percent of the overall liquid volume. At no time shall a grease control device be cleaned less frequently than once every three (3) months unless allowed by the director for good cause shown. Such approval will be granted on a case-by-case basis upon submittal of a request by the food service establishment documenting reasons for the proposed frequency variance. The town manager shall not approve any request unless the applicant demonstrates that the frequency variance will not result in the introduction of any greater quantities of FOG into the public sewer system than would otherwise be introduced.**
- 3. Grease traps and grease removal devices shall be opened, inspected and completely cleaned of food solids and fats, oils and grease a minimum of once per week, unless allowed by the director for good cause shown. Such approval will be granted on a case-by-case basis upon submittal for a request by the food service establishment documenting reasons for the proposed frequency variance. The director shall not approve any request unless the applicant demonstrates that the frequency variance will not result in the introduction of any greater quantities of FOG into the public sewer system than would otherwise be introduced, and in no event shall the content of food solids and FOG exceed twenty-five (25) percent of the overall liquid depth of the device.**
- 4. The town manager may establish a more frequent cleaning schedule if the food service establishment is found to be contributing FOG in quantities sufficient to cause line stoppages or to necessitate increased maintenance of the wastewater collection system.**
- 5. Unless authorized by the town manager, the use of additives including, but not limited to, products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes or bacteria are prohibited for use as grease management control; provided, however, that additives may be used to clean the food service establishment drain lines so long as the usage of such additives will not cause FOG to be discharged from the grease control device to the sanitary sewer system. The use of additives shall not be substituted for the maintenance procedures required by this section.**

AN ORDINANCE: AMENDING CHAPTER 34 (UTILITIES), ARTICLE II (WATER SYSTEM) AND III (SEWERS AND SEWER DISPOSAL) AND APPENDIX B--FEE SCHEDULE.

The town manager shall not approve the use of any additives unless he is satisfied that such use will have no adverse effects upon the public sewer system.

- (d) Waste disposal.** Waste material from grease control devices shall be disposed of as follows:
- 1. Waste removal from a grease trap shall be disposed of in the solid waste disposal system or by a grease hauler certified by the Town of Leesburg.**
 - 2. Waste removed from a grease interceptor shall be disposed of at a facility permitted to receive such wastes. No materials removed from interceptors shall be returned to any grease interceptor, private sewer line or into any portion of the town's wastewater collection system.**
 - 3. Yellow grease shall be disposed of in a renderable FOG container in which contents will not be discharged to the environment. Yellow grease shall not be poured or discharged into the town's wastewater collection system.**
- (e) Inspection, modification and repair.** The town manager shall have the authority to make such inspections as are authorized by law during reasonable hours for the purpose of inspecting, observing, taking measurement, sampling, testing or reviewing the records of the wastewater collection system and grease control devices installed in a food service establishment to ensure that such food service establishment is in compliance with this division. Operational changes, maintenance and repairs required by the town manager shall be implemented as noted in the written notice issued to the food service establishment by the town manager. The owner or occupant of such food service establishment, or his/her designee, shall be entitled to accompany the town manager during such inspection. The town manager may require existing food service establishments to modify or repair any noncompliant grease control device and appurtenances within thirty (30) days of written notification by the director. The town manager may grant extensions for good cause shown.
- (f) Recordkeeping.** Food service establishments shall maintain records meeting the following requirements:
- 1. Food service establishments shall retain and make available for inspection and copying records of all cleaning and maintenance for the previous three (3) years for all grease control devices. Cleaning and maintenance records shall include, at a minimum, the dates of cleaning/maintenance, the names and business addresses of the company or person performing each cleaning/maintenance and the volume of waste, including the percentage of grease and settled solids, removed in each cleaning. Such records shall be kept on site and shall be made available to the town manager upon request.**

AN ORDINANCE: AMENDING CHAPTER 34 (UTILITIES), ARTICLE II (WATER SYSTEM) AND III (SEWERS AND SEWER DISPOSAL) AND APPENDIX B--FEE SCHEDULE.

- 2. Food service establishments shall retain and make available for inspection and copying records of yellow grease disposal for the previous three (3) years. Yellow grease disposal logs shall include, at a minimum, the dates of disposal, name and business address of the company or person performing the disposal and the volume of yellow grease removed in each cleaning. Such records shall be kept on site and shall be made available to the town manager upon request.**
- 3. Food service establishments shall retain and make available for inspection and copying records of weekly inspections and cleaning pursuant to (c)(3) of this section for the previous three (3) years.**

Sec. 34-167. - Discharge limits.

No person shall discharge or cause to be discharged from any food service establishment any wastewater with FOG or other substances harmful or hazardous to the public sewer system, the regional sanitary sewer system, or sewage treatment plant or processes.

Sec. 34-168. - Civil penalties; scheduled violations.

(a) Except for the violations specified in the Schedule of Violations, below, and without otherwise limiting the remedies which may be obtained under this division, the town manager may issue an order assessing a civil penalty or other monetary assessment in accordance with the following provisions:

- 1. No order assessing a civil penalty for a violation shall be issued until after the alleged violator has been provided an opportunity for a hearing before the town manager, except with the consent of the alleged violator. The notice of hearing shall be served personally or by registered or certified mail, return receipt requested, on the alleged violator or his authorized representative at least thirty (30) days prior to the hearing. The notice shall specify the time and place for the hearing, facts and legal requirements related to the alleged violation, and the amount of any proposed civil penalty. At the hearing, the alleged violator may present evidence, including witnesses regarding the occurrence of the alleged violation and the amount of the penalty, and may examine any witnesses for the town. A verbatim record of the hearing shall be made. Within thirty (30) days after the conclusion of the hearing, the director shall make findings of fact and conclusions of law and issue the order.**
- 2. No order issued by the town shall assess civil penalties in excess of thirty-two thousand five hundred dollars (\$32,500.00) per violation, not to exceed one hundred thousand dollars (\$100,000.00) per order, or such other amount as may be allowed under Code of Virginia § 62.1-44.15 or any successor statute, except with the consent of the violator.**
- 3. The actual amount of any civil penalty assessed shall be based upon the severity of the violation, the extent of any potential or actual**

AN ORDINANCE: AMENDING CHAPTER 34 (UTILITIES), ARTICLE II (WATER SYSTEM) AND III (SEWERS AND SEWER DISPOSAL) AND APPENDIX B--FEE SCHEDULE.

environmental harm or facility damage, the compliance history of the violator, any economic benefit realized from the noncompliance, and the ability of the violator to pay the penalty. In addition to civil penalties, the order may include a monetary assessment for actual damages to sewers, treatment works, and appurtenances and for costs, attorney fees and other expenses resulting from the violation.

4. Any civil penalty or other monetary assessment included in any such order shall be payable as set forth in the order. Any unpaid balance at the time payment of the civil penalty or other monetary assessment is due may be collected in an action at law against the violator or included in the violator's bill for sewer services and collected in accordance with § 34-161 of the Town Code.
 5. Any order issued by the town manager, regardless of whether such order assesses a civil penalty, shall inform the alleged violator of his right to judicial review of any final order by appeal to the circuit court on the record of proceedings before the director. To commence an appeal, the alleged violator shall file a petition in circuit court within thirty (30) days of the date of the final order, and failure to do so shall constitute a waiver of the right to appeal. With respect to matters of law, the burden shall be on the party seeking review to designate and demonstrate an error of law subject to review by the court. With respect to issues of fact, the duty of the court shall be limited to ascertaining whether there was substantial evidence in the record to reasonably support such findings.
- (b) Any violation listed in the following schedule, shall subject the violator to a civil penalty of not more than one hundred dollars (\$100.00) for the initial summons, not more than one hundred fifty dollars (\$150.00) for each additional summons, and not more than a total amount of three thousand dollars (\$3,000.00) for a series of specified violations arising from the same operative set of facts, as follows:
1. The town may issue a civil summons ticket for a scheduled violation. Any persons summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the town's director of finance and administrative services prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability and pay the civil penalty established for the violation.
 2. If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any such trial, the town shall have the burden of proving by a preponderance of the evidence the liability of the alleged violator.
 3. An admission of liability or finding of liability under this section shall not be deemed an admission at a criminal proceeding, and no civil action

AN ORDINANCE: AMENDING CHAPTER 34 (UTILITIES), ARTICLE II (WATER SYSTEM) AND III (SEWERS AND SEWER DISPOSAL) AND APPENDIX B--FEE SCHEDULE.

authorized by this section shall proceed while a criminal action is pending.

- 4. Any civil penalties imposed pursuant to this subsection shall be applied to the purpose of abating, preventing or mitigating environmental pollution.**

Schedule of Violations

<u>1. Failure to maintain cleaning and maintenance records.</u>
<u>2. Failure to maintain yellow grease disposal records.</u>
<u>3. Failure to maintain certified employee with completed grease control device training.</u>
<u>4. Failure to register grease control device(s)</u>
<u>5. Failure to use certified grease hauler for grease control device rated over 50 gallons per minute.</u>
<u>6. Failure to properly maintain grease control device</u>
<u>7. Failure to allow inspection of grease control device</u>
<u>8. Unauthorized use of additives including, but not limited to, products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes or bacteria</u>
<u>9. Failure to have grease control device(s) meeting all applicable requirements of the Virginia Uniform Statewide Building Code</u>
<u>10. Failure to make required modification or repair to a grease control device</u>

Sec. 34-169. - Other violations and penalties.

- (a) **Any intentional or willful act or omission to act in violation of any of the provisions of this division shall be punishable by a fine in the amount not to exceed one thousand dollars (\$1,000.00) per violation. Each day that a continuing violation exists shall constitute a separate offense, and any fines imposed under this division shall be applied to the purpose of abating, preventing or mitigating environmental pollution.**
- (b) **Any person who, intentionally or otherwise, commits any of the acts prohibited by this division or who fails to perform any of the acts required by this division shall be liable to the town in an action at law for all costs of containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the wastewater collection system, as well as the costs of any damages or regulatory fines imposed upon the town that are proximately caused by such violations. Such costs shall be collectible by the town in accordance with the provisions of § 15.2-2119 of the Code of Virginia.**

AN ORDINANCE: AMENDING CHAPTER 34 (UTILITIES), ARTICLE II (WATER SYSTEM) AND III (SEWERS AND SEWER DISPOSAL) AND APPENDIX B--FEE SCHEDULE.

- (c) **In addition to any other remedy for the violation of this article, the town may bring legal action to enjoin the continuing violation of this division, and the existence of any other remedy, at law or in equity, shall be no defense to any such action.**
- (d) **The remedies set forth in this section are cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.**

SECTION IV. That Section 34 of Appendix B--Fee Schedule be and the same is hereby incorporated and shall be amended to read as follows:

Sec. 34-22. - Damage or obstruction of water system property; cross connections; unauthorized connections.

- (a) The cost for any repair or replacement shall be \$50.00 plus the direct cost of labor, materials, equipment and administrative overhead calculated at 15 percent of such direct costs.
- (b) **In addition to subsection (a) above, a fee of \$250.00 shall be due for the first violation, \$500.00 for the second violation and \$2,500.00 for each subsequent violation.**

Sec. 34-29. - Water service availability charge:

- (1) Multifamily dwelling, townhouse or mobile home, per unit: \$3,744.00.
- (2) Single-family detached dwelling, or two-family attached (duplex), per unit: \$4,683.00.
- (3) Water service availability fees for residential uses shall be reduced to \$1,750.00 per unit where the lot was created and a single-family detached dwelling was existing thereon prior to the 1984 annexation and failure of the well is imminent, as determined by the town manager in consultation with the Virginia Department of Health.
- (4) Water service availability fees for nonresidential uses shall be \$4,683.00 or more, depending on the estimated water flow to the user as compared to the water flow to the average single-family dwelling. Fees shall be \$4,683.00 or \$13.33 per gallon per day of the estimated water flow to the user. ~~whichever is greater.~~
- (5) **If an additional user or change of use is proposed, fees shall be \$13.33 per gallon per day of the estimated water flow. Current water usage and paid availability fees shall be evaluated.**

Sec. 34-39. - Cross connections and backflow prevention control program.

- (3) **Not more than one hundred dollars (\$100.00) for the initial summons, not more than one hundred fifty dollars (\$150.00) for each additional summons, and not more than a total amount of three thousand dollars (\$3,000.00) for a series of specified violations arising from the same operative set of facts.**

AN ORDINANCE: AMENDING CHAPTER 34 (UTILITIES), ARTICLE II (WATER SYSTEM) AND III (SEWERS AND SEWER DISPOSAL) AND APPENDIX B--FEE SCHEDULE.

Sec. 34-62. - Water drawn at existing designated public fire hydrant with a town issued hydrant meter.

(6) Processing fee per billing: \$15.00

(7) A temporary hydrant use bag: \$100.00

Sec. 34-69. - (1) Delinquent Account Processing Fee ~~Disconnection and resumption of water service for nonpayment of charges: \$30.00~~

(2) Utilities Collection Fee: \$30.00

Sec. 34-71.- Miscellaneous fees and charges:

(14) ~~Water flushing~~ Construction water for flushing and testing: \$50.00 service charge in addition to outside town nonresidential rate per 1,000 gallons of all water drawn.

(20) Processing fee per billing: \$15.00.

(21) General utility billing late payment penalty and second billing to delinquent accounts; discontinuance of service to delinquent accounts. General billing invoices are due and payable within 20 days from the date of billing. Any billing that remains unpaid after 30 days is subject to a ten percent late payment plus an allowance for interest as determined by state code which amounts will be added to the total amount due and payable. A notice shall be mailed in the form of a second billing, which will include the late payment penalty and interest at the end of the 30 days from the date of billing, and all services will be discontinued if not paid in full within ten days from the date of such notice.

(22) Customer-Requested Utility Service Location: \$30.00.

(23) Customer-Requested Sanitary Sewer Property Line Cleanout: Direct cost of labor, equipment, materials, and administrative overhead of 15 percent of such direct costs.

(24) Construction purity sampling: \$45.00 per sample.

Sec. 34-126. - Sewer Connection Fee:

(4) The fee for a closed circuit television (CCTV) inspection of new sanitary sewer mains: \$1.25 per linear foot (\$500 minimum per project).

Sec. 34-127. - Sewer service availability charge:

(1) Residential uses shall be as follows:

a. Multifamily dwelling, townhouse or mobile home, per unit: \$5,852.00.

b. Single-family detached dwelling, or two-family attached (duplex), per unit: \$7,292.00.

c. Sewer service availability fees for residential uses shall be reduced to \$1,750.00 per unit where the lot was created and a single-family detached dwelling was existing thereon prior to the 1984 annexation and failure of the

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septic system is imminent, as determined by the town manager in consultation with the Virginia Department of Health.

- (2) Nonresidential uses: \$7,292.00 or more, depending on the estimated sewage flow and required treatment characteristics from the user as compared to the sewage flow and required treatment characteristics from the average single-family dwelling. Fees shall be calculated as follows:
 - a. *All nonindustrial uses*: \$7,292.00 or \$20.20 per gallon per day of the estimated sewage flow from the user, ~~whichever is greater~~.
 - b. *All industrial uses*: ~~The greater of~~ \$7,292.00 or \$20.20 per gallon per day of the estimated sewage flow from the user, plus an additional charge in proportion to the excess biochemical oxygen demand, suspended solids or other pollutant discharge of the user above the average pollutant discharge of residential users of the system.
- (3) **If an additional user or change of use is proposed, fees shall be \$20.20 per gallon per day of the estimated sewer flow. Current sewer usage and paid availability fees shall be evaluated.**

Sec. 34-136. - Sewer use regulations:

- (1) **As required by the General Pretreatment Regulations (40 C.F.R. § 403), the town will conduct annual pretreatment inspections of non-single family residential plumbing systems connected to the town's sanitary sewer system. The charge for each inspection per connection, premises or account shall be:**

<u>5/8" Meter</u>	<u>\$25.00</u>
<u>3/4" Meter</u>	<u>\$32.50</u>
<u>1" Meter</u>	<u>\$47.50</u>
<u>1 1/2" Meter</u>	<u>\$75.00</u>
<u>2" Meter</u>	<u>\$120.00</u>
<u>3" Meter</u>	<u>\$225.00</u>
<u>4" Meter</u>	<u>\$375.00</u>
<u>6" Meter</u>	<u>\$750.00</u>

- (2) **When a user is deemed by the Department of Environmental Quality to be a Significant Industrial User, any required testing will be charged to the user's account.**
- (3) **In the event a Significant Industrial User requires pretreatment, all required permits, equipment and infrastructure shall be borne by user.**

Sec. 34-168. – Fats, Oils and Grease (FOG) Program; civil penalties; scheduled violations:

Any violation listed in the following FOG schedule shall subject the violator to a civil penalty of not more than one hundred dollars (\$100.00) for the initial summons, not more than one hundred fifty dollars (\$150.00) for each additional summons, and not more

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than a total amount of three thousand dollars (\$3,000.00) for a series of specified violations arising from the same operative set of facts.

Schedule of Violations

<u>1. Failure to maintain cleaning and maintenance records.</u>
<u>2. Failure to maintain yellow grease disposal records.</u>
<u>3. Failure to maintain certified employee with completed grease control device training.</u>
<u>4. Failure to register grease control device(s)</u>
<u>5. Failure to use certified grease hauler for grease control device rated over 50 gallons per minute.</u>
<u>6. Failure to properly maintain grease control device</u>
<u>7. Failure to allow inspection of grease control device</u>
<u>8. Unauthorized use of additives including, but not limited to, products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes or bacteria</u>
<u>9. Failure to have grease control device(s) meeting all applicable requirements of the Virginia Uniform Statewide Building Code</u>
<u>10. Failure to make required modification or repair to a grease control device</u>

SECTION V. This Ordinance shall become effective on the date approved.

SECTION VI. If any provision of this ordinance is declared invalid, the decision shall not affect the validity of the ordinance as a whole or any remaining provisions of the ordinance.

PASSED this ___ day of March, 2016.

David S. Butler, Mayor
Town of Leesburg

ATTEST:

Clerk of Council