

ORDINANCE NO. ____
AN ORDINANCE ESTABLISHING
SEWER USE REGULATIONS FOR THE TOWN
OF LUMBERPORT SEWER SYSTEM

An ordinance regulating the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system(s); and providing penalties for violations thereof.

The use of the sewer system of the Town is determined to be essential for the protection and preservation of the public health, comfort, safety, economy and general welfare of the inhabitants of the Town and of the area served.

Be it ordained and enacted by the Council of the Town of Lumberport, West Virginia as follows:

ARTICLE I
Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall have the meanings hereinafter designated:

- Sec. 1 "Act" – The Federal Water Pollution Control Act also referred to as the Clean Water Act, as amended, 33. U.S.C. 1251, et seq.
- Sec. 2 "ASTM" – American Society for Testing Materials.
- Sec. 3 "Authority" – the Town, or its representative thereof.
- Sec. 4 "Council and Board" – Council means the Mayor and Town Council, as constituting the governing body of said Town. Board means the Mayor and fellow Members of the Sanitary Board.
- Sec. 5 "BOD5 or Biochemical Oxygen Demand" – the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade in terms of milligrams per liter (mg/l).
- Sec. 6 "Building Drain" — that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the building wall.
- Sec. 7 "Building Sewer" – the extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.
- Sec. 8 "Town" — the area within the corporate boundaries of the Town as presently established or as amended by ordinance or other legal actions at a future time. The term "Town" when used herein may also be used to refer to the Town Council and its authorized representative. The service area of the sewer system may extend outside the Town.
- Sec. 9 "Chemical Oxygen Demand (COD)" – the quantity of oxygen utilized in the chemical oxidation of organic matter as determined by standard laboratory procedures, and as expressed in terms of milligrams per liter (mg/l).
- Sec. 10 "Compatible Pollutant" – biochemical oxygen demand, suspended solids, pH, and

fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS Permit if the treatment facilities are designed to treat such pollutants to a degree which complies with effluent concentration limits imposed by the permit.

Sec. 11 "Control Manhole" — a structure specially constructed for the purpose of measuring flow and sampling of wastes.

Sec. 12 "Easement" — an acquired legal right for the specific use of land owned by others.

Sec. 13 "Fecal Coliform" — any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

Sec. 14 "Floatable Oil" — oil, fat, or grease in a physical state, such that it will separate by gravity from wastewater.

Sec. 15 "Garbage" — animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.

Sec. 16 "Incompatible Pollutant" — any pollutant that is not defined as a compatible pollutant (Sec. 10) including non-biodegradable dissolved solids.

Sec. 17 "Industry" — any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, which is categorized in Divisions A, B, D, E and I.

Sec. 18 "Industrial Waste" — gaseous, liquid, and solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development, recovery, and processing of natural resources, as distinct from residential or domestic strength wastes.

Sec. 19 "Infiltration" — water entering the sewage system (including building drains and pipes) from the ground through such means as defective pipes, pipe joints, connections, and manhole walls.

Sec. 20 "Infiltration/Inflow (I/I)" — the total quantity of water from both infiltration and inflow.

Sec. 21 "Inflow" — water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

Sec. 22 "Interference" — the inhibition or disruption of the Town's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the Town's NPDES/SDS Permit. The term includes instances of sewage sludge use or disposal by the Town in accordance with published regulations providing guidelines under Section 405 of the Act or any regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria applicable to the method of disposal or use employed by the Town.

Sec. 23 "May" — is permissive (see "Shall", Section 35).

Sec. 24 "National Categorical Pretreatment Standards" — Federal Regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to be not susceptible to treatment by such treatment facilities or would interfere with the operation of such treatment facilities, pursuant to Section 307(b) of the Act.

Sec. 25 "National Pollutant Discharge Elimination System (NPDES) Permit" — a permit issued by the WVDEP, setting limits on pollutants that a permittee may legally discharge into

navigable waters of the United States pursuant to Sections 402 and 405 of the Act.

Sec. 26 "Natural Outlet" - any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.

Sec. 27 "Non-contact Cooling Water" — the water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added, is heat.

Sec. 28 "Normal Domestic Strength Waste" — wastewater that is primarily introduced by residential users with a BOD5 concentration not greater than 200 mg/l and a suspended solids (TSS) concentration not greater than 250 mg/l.

Sec. 29 "Person" — any individual, firm, company, association, society, corporation, or group.

Sec. 30 "pH" - the logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.

Sec. 31 "Pretreatment" - the treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works (See Sec. 24).

Sec. 32 "Properly Shredded Garbage" - the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 1/2 inch (1.27 cm) in any dimension.

Sec. 33 "Sewage" - the spent water of a community. The preferred term is wastewater.

Sec. 34 "Sewer" - a pipe or conduit that carries wastewater or drainage water.

a. "Collection Sewer" - a sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.

b. "Combined Sewer" - a sewer intended to serve as a sanitary sewer and a storm sewer.

c. "Force Main" - a pipe in which wastewater is carried under pressure.

d. "Interceptor Sewer" - a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

e. "Private Sewer" - a sewer which is not owned and maintained by a public authority.

f. "Public Sewer" - a sewer owned, maintained and controlled by a public authority.

g. "Sanitary Sewer" - a sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.

h. "Storm Sewer or Storm Drain" - a drain or sewer intended to carry storm waters, surface runoff, ground water, sub-surface water, street wash water, drainage, and unpolluted water from any source.

Sec. 35 "Shall" – is mandatory (see "May", Section 23).

Sec. 36 "Significant Industrial User" — any industrial user of the wastewater treatment facility which has a discharge flow (1) in excess of 25,000 gallons per average work day, or (2) has exceeded five percent (5%) of the total flow received at the treatment facility, or (3) whose waste contains a toxic pollutant in toxic amounts pursuant to Section 307(a) of the Act, or (4) whose discharge has a significant effect, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or emissions generated by the treatment system.

Sec. 37 "Slug" - any discharge of water or wastewater which in concentration of any given

constituent, or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment works.

Sec. 38 "Superintendent" — the utilities superintendent or a deputy, agent or representative thereof. The Mayor or City Manager may act as the superintendent.

Sec. 39 "Suspended Solids (SS) or Total Suspended Solids (TSS)" - the total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater", latest edition, and referred to as non-filterable residue.

Sec. 40 "Tap fee" – the fee, if any, paid by prospective customers of the system in order to connect thereto.

Sec. 41 "Toxic Pollutant" — the concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects as defined in standards issued pursuant to Section 307(a) of the Act.

Sec. 42 "Unpolluted Water" - water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities. (See "Non-contact Cooling Water", Sec. 27.).

Sec. 43 "User" - any person who discharges or causes or permits the discharge of wastewater into the Town's wastewater disposal system.

Sec. 44 "Wastewater" — the spent water of a community and referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water and storm water that may be present.

Sec. 45 "Wastewater facilities" – the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

Sec. 46 "Wastewater Treatment Works or Treatment Works" - an arrangement of any devices, facilities, structures, equipment, or processes owned or used by the Town for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clearwell facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

Sec. 47 "Watercourse" - a natural or artificial channel for the passage of water, either continuously or intermittently.

Sec. 48 "WPCF" - the Water Pollution Control Federation.

Sec. 49 "WVDEP" — West Virginia Department of Environmental Protection.

ARTICLE II
Control by the Utilities Superintendent

Sec. 1 The Utilities Superintendent shall have control and general supervision of all public sewers and service connections in the Town, and shall be responsible for administering the provisions of this ordinance to the end that a proper and efficient public sewer is maintained.

ARTICLE III
Required Use of Public Sewers Where Available

Sec. 1 It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any service area under jurisdiction of the Town's sewer system, any human or animal excrement, garbage or objectionable waste.

Sec. 2 It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and the Town's NPDES/SDS Permit.

Sec. 3 Except as provided hereinafter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

Sec. 4 The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated within the Town and adjacent to any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the Town, shall be required at the owner(s) expense to install a suitable service connection to the public sewer in accordance with provisions of this Ordinance, within 90 days of the date said public sewer is operational and after proper notice is given to said owner(s) that sewer service is available, provided said public sewer is within 200 feet of the structure generating the wastewater. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this section, an official 30-day notice shall be served instructing the affected property owner to make said connection.

Sec. 5 In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Article III, Section 4 of this Ordinance, the Town may undertake to have said connection made and shall assess the cost thereof against the benefited property. Such assessment, when levied, shall bear interest at the lawful rate determined and shall be collected and remitted to the Town in the same manner as assessments for local improvements. The rights of the Town shall be in addition to any remedial or enforcement provisions of this Ordinance.

ARTICLE IV
Private Wastewater Disposal

Sec. 1 Where a public sewer is not available under the provisions of Article III, Section 4; the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.

Sec. 2 Prior to commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the Town. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary to the Town.

Sec. 3 A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Town or its authorized representative. The Town or its representative shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Town when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within eight (8) hours of the receipt of notice.

Sec. 4 The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of applicable law pertaining to Individual Sewage Treatment System Standards. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Sec. 5 At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 90 days in compliance with the Ordinance, and within 30 days any septic tanks, cesspools, and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.

Sec. 6 The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the Town.

Sec. 7 No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the WVDEP or the West Virginia Department of Health and Human Resources.

ARTICLE V Building Sewers and Connections

Sec. 1 Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, BOD5, and suspended solids, as determined by the Superintendent.

Sec. 2 No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town.

Sec. 3 Applications for permits shall be made on forms prescribed by the Town, and shall constitute an agreement by the applicant with the Town to abide by all provisions of this ordinance and such applicable rules and regulations of the Town in regard to use of the sewer system.

Sec. 4 There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the Town. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

Sec. 5 All costs and expenses incidental to the installation and connection of the building

sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may be directly or indirectly occasioned by the installation building of the sewer.

Sec. 6 A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.

Sec. 7 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent or his representative, to meet all requirements of this ordinance.

Sec. 8 The size, slopes, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the Town. In the absence of code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply, provided said specifications do not conflict with the State Building Code.

Sec. 9 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Sec. 10 No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or indirectly to the wastewater disposal system.

Sec. 11 The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9, provided said specifications do not conflict with the State Building Code. All such connections shall be made gastight and watertight, and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the Town prior to installation.

Sec. 12 The applicant for the building sewer permit shall notify the Town when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the superintendent or authorized representative thereof.

Sec. 13 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work, shall be restored in a manner satisfactory to the Town.

Sec. 14 No person shall make a service connection with any public sewer unless regularly certified under this chapter to perform such work, and no permit shall be granted to any person except such regularly certified person.

Sec. 15 Any person desiring a certificate to make a service connection with public sewers, shall apply in writing to the Town Council with satisfactory evidence that the applicant or employer

is trained or skilled in the business and qualified to receive a certificate. All applications shall be referred to the Superintendent for recommendations to the Council. If approved by the Council, such certificate shall be issued by the Town Clerk upon the filing of a bond as hereinafter provided.

Sec. 16 No certificate shall be issued to any person until a bond to the Town, in an amount approved by the Council from time to time, is filed with the Town Clerk conditioned that the certificate holder will indemnify and save harmless the Town from all suits, accidents, and damage that may arise by reason of any opening in any street, alley, or public ground, made by the certificate holder or by those in the certificate holder's employment for any purpose whatever, and that the certificate holder will replace and restore the street and alley over such opening to the condition existing prior to installation, adequately guard with barricades and lights and will keep and maintain the same to the satisfaction of the Superintendent, and shall conform in all respects to the rules and regulations of the Council relative thereto, and pay all fines that may be imposed on the certificate holder by law.

Sec. 17 There is an administrative fee for a certificate, or certificate renewal, for making service connections in the amount of \$25.00.. All certificates shall expire one year after issuance unless the certificate is renewed, suspended or revoked by the Council for cause.

Sec. 18 The Council may suspend or revoke any certificate issued under this article for any of the following causes:

- a. Giving false information in connection with the application for a certificate.
- b. Incompetence of the certificate holder.
- c. Willful violation of any provisions of this article or any rule or regulation pertaining to the making of service connections.

ARTICLE VI

Use of Public Services

Sec. 1 No person(s) shall discharge or cause to be discharged any unpolluted water such as stormwater, ground water, roof runoff, surface drainage, or non-contact cooling water to any sanitary sewer.

Sec. 2 Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the Town and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the Town and upon approval and the issuance of a discharge permit by the WVDEP.

Sec. 3 No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- a. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfide.
- b. Solid or viscous substances which will cause obstruction to the flow in a sewer or

other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

c. Any wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater disposal system.

d. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

Sec. 4 The following described substances, materials, water, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works treatment process or equipment, will not have an adverse effect on the receiving stream and/or soil, vegetation and ground water, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of wastes, the Superintendent will give consideration to such factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the Town's NPDES/SDS permit, capacity of the sewage treatment plant, degree of treat ability of wastes in the sewage treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

a. Any wastewater having a temperature greater than 150 degrees F (65.6 degrees C), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104 degrees F (40 degrees C), or having heat in amounts which will inhibit biological activity in the wastewater treatment works resulting in interference therein.

b. Any wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees F and 150 degrees F (0 degrees C and 65.6 degrees C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/l, whether emulsified or not.

c. Any quantities or flow, concentrations, or both which constitute a "slug" as defined herein. (See Article I, Section 37).

d. Any garbage not properly shredded, as defined in Article I, Section 32. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the

preparation of food on the premises or when served by caterers.

e. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.

f. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to dye wastes and vegetable tanning solutions.

g. Non-contact cooling water or unpolluted storm drainage, or ground water.

h. Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that would cause disruption with the wastewater disposal system.

i. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

j. Any waters or wastes containing the following substances to such degree that any such material received in the composite wastewater at the wastewater treatment works in excess of the following limits for such materials:

Waste or Chemical	Daily Maximum Concentration (mg/l)	30-Day Average Concentration (mg/l)
Arsenic		
Cadmium	1.2	0.5
Copper	4.5	1.8
Cyanide	0.8	0.23
Lead	0.6	0.3
Mercury		
Nickel	4.1	1.8
Silver		
Total Chromium	7.0	2.5
Zinc	4.2	1.8
Total Heavy Metals (Copper, Chromium, Nickel, Zinc)	10.5	5.0
Phenolic compounds which cannot be removed by Town's wastewater treatment system.		

k. Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule, regulation, or ordinance of any regulatory agency, or state or federal regulatory body.

l. Any waters or wastes containing BOD5 or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of Section 17 of this Article.

Sec. 5 If any waters or wastes are discharged or are proposed to be discharged to the public

sewers which contain substances or possess the characteristics enumerated in Section 4 of this Article, and/or which in the judgment of the Superintendent, may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment; receiving water and/or soil, vegetation, and ground water; or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

- a. Reject the wastes,
- b. Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act and all addendums thereof,
- c. Require control over the quantities and rates of discharge, and/or,
- d. Require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer service charges.

If the Town permits the pretreatment or equalization of waste flows, the design, installation, and maintenance of the facilities and equipment shall be made at the owner's expense, and shall be subject to the review and approval of the Town pursuant to the requirements of the WVDEP.

Sec. 6 No user shall increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in Sections 3 and 4 of this Article, or contained in the National Categorical Pretreatment Standards or any state requirements.

Sec. 7 Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner(s).

Sec. 8 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 4(b), any flammable wastes as specified in Section 3(a), 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 the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by a currently certified waste disposal firm.

Sec. 9 Where required by the Town, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, or control manhole, with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Town. The structure shall be installed by the owner at his expense and shall be maintained by the owner to be safe and accessible at all times.

Sec. 10 The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the Town, be required to provide laboratory measurements, tests, or analyses of waters or wastes to illustrate compliance with this Ordinance and any special conditions for discharge established by the Town or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the Town. The industry must supply a complete analysis of the constituents

of the wastewater discharge to assure that compliance with Federal, State and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the Town at such times and in such manner as prescribed by the Town. The owner shall bear the expense of all measurements, analyses, and reporting required by the Town. At such times as deemed necessary, the Town reserves the right to take measurements and samples for analysis by an independent laboratory.

Sec. 11 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the Superintendent.

Sec. 12 Where required by the Town, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this ordinance. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Superintendent for review and approval prior to construction of the facility. Review and approval of such plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this ordinance. Users shall notify the Superintendent immediately upon having a slug or accidental discharge of substances of wastewater in violation of this ordinance to enable countermeasures to be taken by the Superintendent to minimize damage to the wastewater treatment works. Such notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the Town on account thereof under any State and Federal law. Employees shall insure that all employees who may cause or discover such a discharge are advised of the emergency notification procedure.

Sec. 13 No person, having charge of any building or other premises which drains into the public sewer, shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within 90 days after receipt of written notice from the Town, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same, and perform such other work as the Superintendent may deem necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of 120 days, the Superintendent may cause such work to be completed at the expense of the owner or representative thereof.

Sec. 14 Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause such work to be done as the Superintendent may direct. Each day after seven (7) days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Superintendent may then cause the work to be done, and recover from such owner or agent the expense thereof by an action in the name of the Town.

Sec. 15 The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times, a catch basin or waste trap in the building drain system to prevent grease, oil, dirt or any mineral deposit from entering the public sewer system.

Sec. 16 In addition to any penalties that may be imposed for violation of any provision of this Ordinance , the Town may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge of prohibited wastes by such person, and may collect such assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the Town.

Sec. 17 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 therefore by the industrial concern, providing that National Categorical Pretreatment Standards and the Town's NPDES/SDS Permit limitations are not violated.

ARTICLE VII

Damage to Facilities and Immediate Arrest

Sec. 1 No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

ARTICLE VIII

User Rate Schedule for Charges

Sec. 1 Each user of sewer service shall pay the charge(s) applicable to the type of service, and in accordance with the provisions set forth in the Town's Tariff, as amended from time to time.

ARTICLE IX

Powers and Authority of Inspectors

Sec. 1 The Superintendent or other duly authorized employees of the Town, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling, and testing pertinent to the discharges to the Town's sewer system in accordance with the provisions of this ordinance.

Sec. 2 The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential however the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors. If information is withheld, the Town may refuse to accept the waste.

Sec. 3 While performing necessary work on private properties, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the owner or occupant of the property, and the owner or occupant of the property shall be held harmless for injury or death to the Town employees and the Town shall indemnify the owner or occupant of the property against loss or damage to its property caused by Town employees and against liability claims and demands for personal injury or property damage asserted against the

owner or occupant of the property and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner or occupant of the property to maintain safe conditions as required in Article VI, Section 9 of this ordinance.

Sec. 4 The Superintendent or other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly recorded easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly recorded easement pertaining to the private property involved.

ARTICLE X Penalties

Sec. 1 Any person found to be violating any provision of this ordinance, shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 2 Any person who shall continue any violation beyond the time limit provided for in Section 1 of this Article, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount not exceeding \$500.00 for each violation. Each day in which any such violation occurs shall be deemed as a separate offense.

Sec. 3 Any person violating any of the provisions of this ordinance shall be liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation.

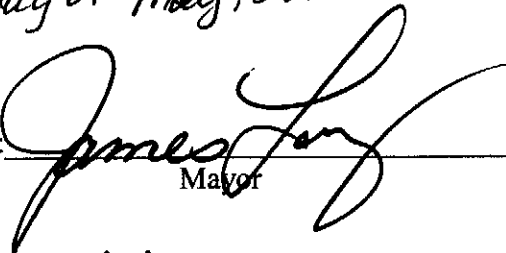
ARTICLE XI Validity

Sec. 1 All other ordinances and parts of other ordinances inconsistent or in conflict with any part of this ordinance, are hereby repealed to the extent of such inconsistency or conflict.

This ordinance takes effect immediately after passage, or upon the effective date of the transfer to the Town of the sewer system of the Lumberport Area Public Service District if said transfer occurs after passage.

Passed on 1st Reading on the 4th day of April, 2011.

Passed on 2nd Reading on the 2nd day of May, 2011.
Public Hearing on the 2nd day of May, 2011.

BY: 
Mayor

ATTEST: 
Recorder