

ORDINANCE NO. 332 OF THE CITY OF BUCKHANNON, AN ORDINANCE ESTABLISHING "THE CITY SANITARY SEWER USE ORDINANCE," AND SPECIFICALLY ESTABLISHING PROVISIONS PERTINENT TO THE USE OF THE CITY'S SANITARY SEWER SYSTEM; ESTABLISHING CERTAIN RIGHTS, DUTIES AND AUTHORITY OF THE CITY'S SANITARY BOARD; ESTABLISHING CERTAIN RIGHTS AND DUTIES OF THE CUSTOMERS OF THE CITY'S SANITARY SEWER SYSTEM; ESTABLISHING CERTAIN STANDARDS AND EXPECTATIONS RELATIVE TO NEW AND EXISTING SANITARY SEWER CUSTOMERS; PROVIDING DEFINITIONS, CLASSIFYING CUSTOMERS, AND PROVIDING PENALTIES FOR VIOLATORS HEREOF; AND AMENDING ANY AND ALL PREVIOUS ORDINANCES PERTINENT TO THE USE OF THE SANITARY SEWER SYSTEM INsofar AS SAID PREVIOUS ORDINANCES ARE INCONSISTENT WITH THE PROVISIONS HEREOF

WHEREAS, the City of Buckhannon has operated a sanitary sewer system for the health and benefit of the residents of the Buckhannon area at least since October 11, 1938 when the City established by ordinance its Sanitary Board, a duly incorporated, statutory corporation; and,

WHEREAS, the magnitude of the City's sanitary sewer operations and functions is constantly expanding as evidenced by (1) the City's maintenance of its intricate network of sanitary sewer lines currently exceeding 50 miles of collection sewers situated in and around Buckhannon, and (2) the operation and management of the City's sewage treatment plant which currently treats an average of 1.4 million gallons of wastewater daily; and,

WHEREAS, the City's sanitary sewer operations have become increasingly complex in part due to the rules and regulations of the various administrative agencies of the United States of America, the State of West Virginia, Upshur County and the City of Buckhannon, exercising regulatory authority over the City's sanitary sewer system; and,

WHEREAS, the Council of the City of Buckhannon recognizes the importance of establishing and clearly identifying the rights, duties and/or authority of both the Sanitary Board and its sanitary sewer, utility customers, and to strive to realize policies that are fairly and consistently applied for the benefit of the Sanitary Board and its employees, and customers; and,

WHEREAS, the City's Sanitary Board formally resolved during its regularly convened public meeting of December 21, 2006, to recommend to the City Council that the Council formally adopt and enact this comprehensive sewer use ordinance, hereafter to be known and referred to as "the City's Sanitary Sewer Use Ordinance"; and,

WHEREAS, the Council of the City of Buckhannon now desires in all respects to adopt and enact the City's Sanitary Sewer Use Ordinance embodied by the provisions immediately hereinafter contained and set forth.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF BUCKHANNON, AS FOLLOWS:

SANITARY SEWER USE ORDINANCE

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I. INTRODUCTION

A Nature of the Sanitary Sewer System

Proper disposal of wastewater contaminated by human use is essential for the health and welfare of the human community and the environment. For that reason, the City of Buckhannon owns and operates facilities for collection and treatment of sewage. Those facilities consist of customer service lines, gravity collection sewers, pump stations, force mains, and a sewage treatment plant. The process of collecting and treating sewage begins with each individual customer and the manner in which they connect to and use the sewer system.

B Purpose of the Ordinance

This ordinance establishes the parameters and conditions by which the customers of the Buckhannon sewer system have the right and privilege to use those facilities. Sewage collection and treatment facilities are expensive to construct, maintain, and operate. These facilities require operation and maintenance by trained personnel. Improper use can cause severe harm to the facilities, render them ineffective in their performance, and can be hazardous to system personnel and the general public. Provisions of this ordinance are intended to establish the obligations and responsibilities of both the utility and its customers in order to maximize the effectiveness and efficiency of the Buckhannon sewage collection and treatment system.

C Authority and Regulation

The City of Buckhannon owns and operates the sewage collection and treatment system under authority and regulation of the WV State Code. Most applicable provisions of the Code are set forth in Chapter 16, Article 13, "Sewage Works of Municipal Corporations and Sanitary Districts".

Operation of the system is further regulated by the WV Division of Environmental Protection through the National Pollution Discharge Elimination System Permit No WV0032336, the WV Public Service Commission through its rules and regulations, and the WV Environmental Health Services and the Upshur County Health Department through their rules and regulations. Additionally, the sewer system is operated pursuant to federal law, primarily within the auspices of the US Environmental Protection Agency.

Buckhannon's relationship with these governing bodies and administrative agencies is one of partnership to improve human health and welfare and to protect the environment. Many provisions of this ordinance describe how Buckhannon complies with its obligations to the regulating organizations, but the ordinance is not an attempt to restate all of the rules and regulations. Any applicable performance standards, statues, rules, and regulations that apply to the operation of the Buckhannon sewer system are, hereby, incorporated into this ordinance.

The City of Buckhannon established the Buckhannon Sanitary Board in 1938, to administer the operation of the sewage collection and treatment system, and the Board created the Sewer Department, employing personnel and establishing facilities and equipment to operate and maintain the system.

D Definitions

1. Access Point – Any place in the sewage collection system where there is physical access to a buried sewer that allows, without excavation, observation of the pipe and the ability to insert tools into the pipe.
2. City Council – Governing body of the City of Buckhannon.

3. Clean out – A small diameter access to a main line sewer, service line, or lateral which allows observation and maintenance of the sewer.
4. Collection system – The network of service lines, collection sewers, interceptor sewers, pump stations, and force mains that transports wastewater from the customers property line to the treatment plant.
5. Customer – Any party that receives wastewater collection, transport, treatment, and/or discharge service from the utility.
6. Domestic wastewater – Wastewater contaminated with the type and quantity of pollutants typically found in wastewater discharged from a normal residential household including wastewater from bathrooms, kitchens, laundries, or other household functions.
7. Lateral – Sewer pipe which connects a customer's building plumbing to the utility's tap and service line. The lateral is the exclusive responsibility of the sewer customer.
8. Party – Any person, individual, business, organization, or any other body participating in an activity involving the Buckhannon sewer system.
9. Pollutants – Any material, condition, or contaminate that makes water unsuitable for its intended purpose including discharge into a natural waterway.
10. Restricted wastewater – Any wastewater or pollutant in wastewater that does not meet the definition of domestic wastewater and which may require special monitoring or pretreatment prior to discharge into the sewer system.
11. Sanitary Board – Governing body of the Buckhannon sewer system.
12. Sanitary sewer – Any sewer transporting wastewater to the treatment plant.
13. Service line – Sewer pipe which connects to a main line sewer and runs to the customer's property line. It constitutes a sewer tap.
14. Sewage – Generally any wastewater and more specifically wastewater contaminated by human excrement.
15. Sewer Department – Operating body of the Buckhannon sewer system.
16. Sewer system – The collection system, treatment plant, and all other ancillary equipment and facilities that allow for collection, transport, treatment, and discharge of wastewater.
17. Shall – As used in this ordinance, mandatory action.
18. Storm sewer – Any sewer transporting surface water drainage to a natural waterway, ditch, stream, or river.
19. Tap – Part of the sewer system owned by the utility, which connects the individual customer to the sewage collection system. It would include the actual physical connection to a sewer pipe or manhole and the customer service line running to the customer's property line.
20. Treatment plant – The facility used to treat collected sewage and wastewater to make it suitable for discharge into a natural waterway.
21. Utility – Buckhannon Sewer Department unless specifically identified as another type of public utility.

22. Wastewater – Water contaminated with any kind of pollutant that makes it unfit for its intended use including discharge back into a natural waterway.

II. CONNECTION TO THE SEWER SYSTEM

A Required Use

1. Proper sewage disposal is necessary for the health and welfare of the community and environment. It is universally accepted that community wide sewage collection and treatment is more cost and performance effective than any other procedure for sewage disposal. It is, therefore, essential that all potential customers use the public sewer system.
2. If the Sewer Department can provide sewer service to the customer's property line such that the customer can achieve gravity sewer service for the first floor of its premises, then the customer shall connect to the sewer and discontinue use of any on site, individual wastewater disposal system. The only exception arises when the Sewer Department constructs a sewer extension past a customer's property, then that customer may continue to use an existing properly constructed and operating individual system. In this case, the customer shall provide a letter from the Upshur County Health Department documenting the satisfactory condition of their individual system. At such time that the individual system requires any upgrade or improvement to maintain its satisfactory performance, then the customer shall connect to the public sewer.
3. If the Sewer Department has sewer service available in the vicinity of a customer but cannot provide gravity sewer service to the customer's property line, then the customer may choose to pump their wastewater into the public sewer. In this case the Sewer Department will provide a connection point for the customer's force main, but it shall be the responsibility of the customer to operate and maintain their own pumping system. A customer using a pump discharge into the sewer system shall be treated the same as any other customer.

B Application for Service and Sewer Tap

1. Any party seeking to connect to the utility sewer system, shall first apply at City Hall for a sewer tap and connection to the sewer system using the appropriate forms available at that location. A tap fee in an amount established pursuant to the Sanitary Board and City Council approved rates and the rate tariff filed with the WV Public Service Commission, must be paid. The Sewer Department will review the application and determine if the service requires 1) a tap or 2) an extension. If a tap is required, the Sewer Department will schedule and undertake the work at its earliest convenience. If an extension is required, the customer shall be so advised and the appropriate procedures for an extension will be followed (see Article II D). A sewer tap results in the sewer service line being constructed to the customer's property line. The Sewer Department shall own and be responsible for this sewer service line. Reasonable efforts will be made to locate the tap for the customer's convenience, but the Sewer Department shall have the final decision on the location of the tap with due consideration also given to the cost to the utility.
2. If a customer applies for sewer tap on a property where there is an existing tap and service line, then the existing service line may be used for the new service, if the Sewer Department determines that the existing service line is in satisfactory condition. In order for the

customer to avoid the obligation of paying a tap fee, the customer must expose the existing service line at their property line.

C Customer Lateral

1. The customer lateral is the sewer line that connects the plumbing in the customer's premises to the sewer tap/ service line. Construction, operation, maintenance, repair, and improvement of the lateral is the exclusive responsibility of the customer. Standards for lateral construction have been developed by the Sewer Department to protect the customer from sewer line problems and to protect the sewer system from unwanted discharges. Customers shall construct and maintain their lateral at all times in accordance with these standards and all provisions of this ordinance.
2. In the event the Sewer Department constructs a sewer upgrade project, the Sewer Department is responsible to reconnect the customer lateral from the old sewer to the new sewer. In these cases, the customer is responsible to identify the location of their individual line outside of their premises. Even though the Sewer Department constructs the new lateral, its operation and maintenance is the responsibility of the customer.

D Sewer Extensions

1. Sewer service to any customer or group of customers that requires more than a connection to an existing sewer and a service line to the customer's property line will be considered an extension. Procedures for undertaking a sewer extension are strictly regulated by the WV Public Service Commission. The Buckhannon Sanitary Board policy is to adhere to these procedures.
2. Whenever a request is made for sewer service, the Sewer Department evaluates the request to determine if service is reasonably available, if service can be provided by a tap, if a utility supported extension is required, or if a customer supported extension is required.
3. If an extension is required, but the cost of the extension is less than the amount prescribed by the PSC regulations as requiring customer financial participation, then the Sewer Department will schedule the work and proceed with construction of the extension at its earliest convenience.
4. If the cost of the extension requires customer participation, then the Sewer Department shall prepare an extension layout, cost estimate, and an agreement which addresses the conditions of the extension and the required cost participation by the customer. Upon mutual acceptance of these items by the Sewer Department and the customer, the Sewer Department will schedule the work and proceed with construction of the extension at its earliest convenience. Any sewer extension that will become a permanent part of the utility sewer system shall be constructed by the Buckhannon Sewer Department.
5. Sewer extensions may serve customers other than those which have requested service and financially supported an extension. These customers include other customers along an extension who declined to participate financially in the extension, customers seeking service later, after an extension has been constructed, or customers along an extension built at the initiative of the Sanitary Board. These customers shall be subject to a special tap fee in an amount established pursuant to the Sanitary Board and Buckhannon City Council approved rates and the tariff on file with the WV Public Service commission. This special tap fee is intended to help defray the cost of the sewer extension and shall be in effect for any sewer

extension for a period of ten years after completion of the extension in question.

E Customer Classification

- 1 Residential - Any household generating typical quantities and types of wastewater generated from a kitchen, bathroom, laundry, or other normal household activities, whether it is a house, apartment, trailer, or other living accommodation shall be considered a residential customer. A residential customer is subject to all the restrictions and limitations in Article III, but a "typical" residential customer is the standard by which acceptable discharges are defined.
- 2 Commercial - Any business, institution, industry, organization, or any other nonresidential entity shall be considered a commercial customer. If a commercial customer discharges wastewater of the same quantity and type as a typical residential customer, then they shall be treated the same as residential customers by this ordinance. Any commercial customer that discharges or has the potential to discharge or is deemed by any regulatory agency to have the potential to discharge, greater quantities of wastewater or pollutants in the wastewater, or to discharge pollutants not normally found in domestic wastewater, then they shall be considered special commercial customers and shall be subject to greater pretreatment and reporting requirements than residential customers. See Article IV.
- 3 Independent Collection System - Any customer that owns and operates a collection system that serves more than one entity, or has multiple connections for one entity, shall be considered an Independent Collection System customer. Such a customer shall be subject to greater monitoring and reporting requirements than a residential customer. See Article V.
- 4 Waste Hauler - Any party who brings wastewater to the treatment plant in a truck or tank shall be considered a waste hauler. Waste haulers shall be subject to greater monitoring and reporting requirements than residential customers. See Article VI.

F Unauthorized Connections or Use

1. No party, including customers, plumbers, contractors, waste haulers, or any other business or individual, shall make a permanent or temporary connection to the Buckhannon sewer system without the expressed written consent of the Sewer Department and the presence of a Sewer Department representative. Such connection shall include breaking or cutting a hole in a sewer pipe or manhole or opening the lid of a manhole or clean out to insert a pipe or hose or to allow surface water or any other material to enter any part of the sewer system.
2. Unauthorized connection to, or use of, the sewer system may be considered trespass, vandalism, or sabotage and shall be reported to the appropriate law enforcement authorities and the perpetrator shall be prosecuted pursuant to Article IX.

G Maintenance of the Sewer System

1. It shall be the responsibility of the Sewer Department to perform such maintenance on the sewer system so as to keep it in satisfactory operating condition. That does not eliminate the possibility, however, that the sewer lines may become plugged and then surcharge upstream of the blockage. Sewer Department personnel will work to free such blockage as quickly as possible, but it shall be the responsibility of the customer to protect themselves from sewage backing up into their premises. Customer is responsible to maintain their plumbing in sound condition so that

sewage will not leak out of the plumbing into a basement or crawl space.

2. The service line from the main line sewer to the customer property line is also the responsibility of the Sewer Department. Problems with this portion of the sewer system can rarely be detected until the customer's facilities malfunction. Sewer Department personnel will work to correct problems on the service line as quickly as possible after receiving a complaint from a customer. If the Sewer Department determines that the conditions warrant such action, they will repair or replace the service line.
3. The sewer lateral is the line between the plumbing in the customer's premises and the service connection at the property line. Maintenance of the lateral is the responsibility of the customer. Sewer Department personnel shall not be responsible to open blockages or to otherwise repair the sewer lateral. In cases where Sewer Department personnel must expose and break into the sewer lateral to determine the cause and location of a blockage because there is no clean out available, and that blockage is in the sewer lateral, the customer shall make the necessary repairs to the lateral and construct a permanent access point on the lateral in accordance with Sewer Department standards.

III RESTRICTIONS AND LIMITATIONS

A General Applicability

1. The Buckhannon Sewage Treatment Plant is permitted by WV DEP to receive and treat domestic sewage. Its design and purpose is to treat and remove pollutants normally found in such wastewater. It may not be effective in treating other types of wastewater or, even worse, other pollutants may be harmful to the performance of the treatment plant.
2. Wastewater is transported through the collection system including gravity sewers, pump stations, and force mains to the treatment plant. These facilities will not perform properly if too much flow is introduced into the system, and they can be damaged by certain types of materials or pollutants.
3. Sewer system operating personnel routinely come in contact with raw sewage and the pollutants contained in the sewage. Precautions are taken to assure their safety, but discharge of inappropriate materials and pollutants can create very dangerous health and safety issues for these workers. Many of these materials and pollutants can even create hazards for sewer customers and the general public.
4. It is the intent and purpose of this section of the Sewer Use Ordinance to restrict those materials and pollutants, and the quantity of flow discharged into the sewer system in order to protect the health and welfare of the sewer system personnel, the sewer customers, and the general public, to protect the facilities of the collection system and treatment plant, and to maintain the effective performance of the sewage collection and treatment processes.

B Extraneous Flow

1. Extraneous flow is a particularly serious concern for the Buckhannon sewer system as it is for most sewer systems in the northeastern and central parts of the United States. Many sewers in these locations were purposefully built to carry storm water as well as sewage and are identified as combined sewers. Special regulatory programs are in effect to control combined sewer overflows (CSO) resulting from these systems. The Buckhannon

sewer system is included in the CSO program and is under order to remove extraneous flow from its system. Removal of extraneous flow has been a well established goal of the Buckhannon Sewer Department for a number of years but, even so, additional flow is readily apparent immediately after a rainfall event. Reduced costs to transport and treat wastewater, improved service to customers by avoiding backups, and improved environmental and health conditions achieved by avoiding overflows are among the benefits of reducing extraneous flow.

2. Only water contaminated by human use and considered by standard definition to be domestic wastewater may be discharged into the sewage collection system, without the expressed written consent of the Sewer Department. No other water or wastewater shall be discharged into the sewage collection system. This restriction prohibits discharge of "extraneous" flow which includes, but is not limited to, surface water drainage, roof drains, yard drains, foundation drains, groundwater, sump pumps discharges for basement or yard drainage, rain water, or snow melt.
3. New customers connecting to the sewage collection system or existing customers who are upgrading or replacing their lateral or making any other improvements to their property shall not connect any extraneous flow source to their plumbing or lateral for discharge into the sewer. Any such customer who is identified as discharging extraneous flow to the sanitary sewer shall remove such flow and divert it to some surface water drainage system. Failure to remove such flow would subject the customer to the penalties described in Article IX and the excess charge for extraneous flow described in Article III.B.5 below.
4. The Sanitary Board adopted standards for customer laterals in March 1989. Any customer extraneous flow discharge connection made after that date is a clear violation of established standards and shall be removed at the exclusive cost of the customer. Any customer extraneous flow discharge that is a result of inappropriate use of the utility's facilities or in any way constitutes trespass or vandalism of the sewer system shall be removed at the exclusive cost of the customer. Failure to remove such flow would subject the customer to the penalties described in Article IX and the excess charge for extraneous flow described in Article III.B.5 below.
5. Extraneous flow discharge connections made prior to March 1989 and which may have been unregulated or even considered acceptable at the time of the connection, will receive special consideration by the Sanitary Board. If such extraneous flow is identified by the Sewer Department, the customer shall be so notified. The Sewer Department will then perform an analysis to determine the cost effectiveness of removing the extraneous flow from the system. If the Sewer Department determines that it is cost effective to remove the flow, then the Sewer Department will offer to remove the flow and divert the flow in an appropriate manner at its own cost. If the customer does not accept this offer, then the customer shall undertake action to remove the extraneous flow from the sanitary sewer or be subject to additional sewer use charges as described below. If the Sewer Department determines that it is not cost effective to remove the extraneous flow, then neither the Sewer Department nor the customer is obligated to remove the flow, except that the customer would be required to remove the extraneous flow whenever it replaces or upgrades its lateral or premises such that removal is cost effective.
6. The Buckhannon Sewer Rate Tariff has been structured to include a provision for an excess charge for extraneous flow discharged into the sewer system. In cases where the customer does not remove identified surface water drainage within three months of notification by the Sewer Department or other reasonable time established by the Sewer Department, then the excess charge for extraneous flow

may be applied to the customer's sewer bill. That charge will continue to be applied until the customer can show that the extraneous flow has been removed from the discharge to the sewer system.

C Restricted Discharges

No party shall discharge or cause to be discharged any of the following materials except as such materials are found in normal domestic wastewater. Such discharges may be restricted by the type of material discharged, the quantity of material discharged, or the concentration of the material discharged in a particular time period. Small amounts of many of these materials may be found in household products that may be discharged into the sewer system, but discharges exceeding these minor amounts, even by a residential customer, are restricted.

- 1 Gasoline, benzene, naphtha, fuel oil or any other flammable or explosive material.
- 2 Any chemical or biological material which may be poisonous or hazardous to the health and welfare of Sewer Department Personnel, sewer system customers, or the general public either by physical contact or by breathing vapors or fumes from the material.
- 3 Any nonbiodegradable material that would not be affected by the sewage treatment plant processes and may be detrimental to the performance of the collection sewers, pump stations, or treatment plant such as sand, dirt, gravel, stone dust, metal filings, broken glass, cement or concrete, ashes, cinders, tar, plastic, or any other trash.
- 4 Any solid or viscous substances that could obstruct the flow in the sewers and be otherwise detrimental to the performance of the collection system, pump stations, and treatment plant such as straw, bones, wood shavings, sawdust, feathers, wood, paper, hair, slaughter house waste, or rags.
- 5 Fats, oils, or grease from food preparation, cooking, or food service clean up.
- 6 Lubricating or motor oils, lubricating grease, other petroleum products, or any other liquid products used in mechanical equipment operation and maintenance.
- 7 Any material with a pH less than 5.0 or greater than 9.0.
- 8 Any material such as heavy metals, phenol, or cyanide, which are toxic to the biological processes at the sewage treatment plant or which pass through the treatment plant and cause the plant discharge to exceed acceptable concentrations of these materials.
- 9 Any wastewater having a temperature greater than 150 degrees Fahrenheit.
- 10 Any material, otherwise acceptable, that is in such a quantity, either steadily over an extended period of time or in bursts or slugs of discharge for short periods of time that it has a detrimental impact on the performance of the sewer system or treatment plant.

D Damage to Facilities

1. Sewer system facilities provide a vital public health and safety function. These facilities are the property of the Sanitary Board of the City of Buckhannon and represent a substantial financial investment. Unauthorized use of these facilities can result in loss of revenue, damage to facilities, loss of performance, or even sabotage of the entire system.

2. As described in Article II. F. above, connection to or use of the sewage collection system or any other facilities of the Sewer Department by any party other than the Sewer Department, itself, is prohibited, unless the Sewer Department provides expressed written consent and is present at the site. Unauthorized connection or use or any other tampering with Sewer Department facilities may be considered trespass, vandalism, or sabotage and shall be reported to the appropriate law enforcement officials and the perpetrators shall be prosecuted pursuant to Article IX.
3. Inadvertent or accidental damage to the sewer system, especially as a result of other utility work, shall be reported to the Sewer Department by the party causing the damage. If the party causing the damage has followed the appropriate procedures to identify the location of the sewer system facilities, and has exercised due care to avoid damage to those facilities, then the Sewer Department will repair the damage at no cost to the party causing the damage. If, however, the Sewer Department has not been provided the opportunity to mark the location of the sewers or otherwise note and protect its facilities or the party causing the damage has not exercised due care, then that party shall be responsible for the cost of the repair. All repairs shall be done by the Sewer Department and in no case shall the party causing the damage attempt to make the repair, except that they may take steps to protect themselves or the general public from hazards resulting from the damage.
4. If a customer plans to place fill material or to excavate material over a sewer, they shall notify the Sewer Department so that the Sewer Department can investigate to determine if there will be detrimental consequences to the sewer system. In no case shall a customer fill or cause to be filled over a sewer system access point without the consent of the Sewer Department. If such fill must be done, then the customer shall support the cost for the Sewer Department to raise the access point so that it will continue to be exposed.

IV COMMERCIAL CUSTOMERS

A General

Commercial customers shall be treated the same as domestic customers unless their wastewater discharge contains pollutants that may violate the prohibited discharge provisions of this ordinance. In that case, the commercial customer shall notify the Sewer Department of the nature of its wastewater and shall provide pretreatment of its wastewater in order to remove unacceptable materials or to otherwise modify the characteristics of the wastewater discharge so that it satisfies requirements for discharge into the sewer system.

B Pretreatment Requirements

1. The Sewer Department may develop pretreatment guidelines with standards and requirements for any or all prohibited pollutants which might be discharged into the sewer system. In cases of pollutants for which specific pretreatment guidelines have been established, commercial customers generating wastewater with those pollutants, must submit information describing the nature of their activity and the wastewater generated, and provide information about their pretreatment facilities sufficient to assure the Sewer Department that the established pretreatment requirements have been satisfied. Such information shall include a plan describing how the pretreatment facilities are to be operated and maintained. The Sewer Department shall issue a letter of acceptance before the commercial customer may connect to the sewer system.

2. Commercial customers who generate wastewater containing pollutants for which no pretreatment guidelines have been prepared by the Sewer Department, must request permission to discharge the wastewater into the sewer system, and then provide the Sewer Department information describing the nature of their activity and wastewater generated, and provide information, including design and performance data, about the pretreatment facilities sufficient to satisfy the Sewer Department that the prohibited pollutants will be removed to a sufficient level to allow discharge into the sewer system. Such information shall include a plan describing how the pretreatment facilities are to be operated and maintained. The Sewer Department shall issue a letter of acceptance before the commercial customer may connect to the sewer system.
3. Since Buckhannon's NPDES Permit specifically forbids the Sewer Department from accepting new nondomestic wastewater discharges without a permit modification, many pretreatment requirements of commercial customers will be driven by WV DEP requirements. Commercial customers shall provide whatever information is required of the Sewer Department by WV DEP regarding their pollutants and pretreatment. If there are costs associated with a permit modification, that cost shall be supported by the commercial customer whose discharge into the sewer system requires the modification.
4. Successful performance of any pretreatment process depends on operation and maintenance. Every commercial customer with a pretreatment program shall have an operating and maintenance plan and maintain records of the activities called for in that plan. Sewer Department personnel may inspect the pretreatment facilities at any time and request to review or obtain copies of any operating records. If wastewater testing is determined to be necessary by the Sewer Department or by WV DEP in order to assure compliance with this ordinance, then the commercial customer shall support the cost of such testing.

V INDEPENDENT COLLECTION SYSTEM CUSTOMERS

A General

Typical practice is for a sewer utility to provide service to each individual customer's property line, requiring only that the customer connect the building plumbing to the sewer tap. There are, however, several exceptions to this situation wherein the customer operates a more extensive collection system. These situations are legitimate and acceptable and include the following cases.

1. Any properly organized sewer utility regulated by the WV Public Service Commission, which collects wastewater for discharge into the Buckhannon sewer system for transport, treatment, and discharge. This type of independent collection system customer qualifies for the "bulk customer" category of sewer use charges as described in Article VII. B. 8.
2. Any institution such as a school, hospital, college, prison, or military complex, which owns and operates a collection system on its own grounds even if some of the customers served are separately identified customers.
3. Any business such as a housing complex, trailer park, or manufacturing facility which owns and operates a collection system on its own grounds to serve a number of separate connection points.

B Reporting Requirements

1. The Buckhannon Sewer Department operates under an operating permit with many performance and reporting requirements. Many records are maintained and inspections are performed to support the required reports. Similar records and inspections and the resulting reports are expected from the collection system customers.
2. Information and reports shall be provided as listed below and on any other matters pertaining to the nature of the collection system or the wastewater discharged into that collection system that the Buckhannon Sewer Department deems necessary. Furthermore, the Buckhannon Sewer Department reserves the right to conduct any investigation or inspection on the collection system or wastewater producing processes that it deems necessary.
 - a) Maps and drawings showing the location of sewer lines, access points, and service connections shall be provided to the Sewer Department. Such maps and drawing shall be updated after any major change to the system but at least on an annual basis. If no changes are made, a letter noting such shall be provided.
 - b) A list of all non domestic wastewater discharges shall be provided to the Buckhannon Sewer Department on an annual basis. That list shall identify the name of the discharger, the nature of the wastewater, and the results of an inspection of the facility done during the proceeding twelve months.
 - c) A summary of an inspection of all accesspoints on the collection system which identifies the location and condition of those access points shall be provided on an annual basis.
 - d) Certification that no extraneous flow is being discharged into the collection system shall be provided on an annual basis. If such certification cannot be made because extraneous flow is being discharged into the sewer system, then a report shall be provided that describes what extraneous flow is being discharged into the sewer system and what measures are being taken to remove that flow from the system.

C Performance Requirements

Performance requirements for extraneous flow and prohibited discharges shall be the same for any collection system customer as they are for any residential or commercial customer.

VI WASTE HAULERS

A General

Facilities are available at the Sewage Treatment Plant to accept wastewater brought to the plant in tank trucks or other containers. Except for wastewater brought by individuals operating privately owned motor homes or other vehicles with self contained wastewater systems, all waste haulers shall be licensed by the WV DEP to haul septage or other wastewater. Every hauler must make arrangements with the Sewer Department and receive an authorization letter before they shall be allowed to dump at the treatment plant. Wastewater accepted at the treatment plant shall include septage from septic tanks, domestic wastewater from holding tanks, wastewater from package plants, and other wastewater specifically authorized in writing by the Sewer Department. No grease trap or interceptor waste shall be dumped at the treatment plant.

B Dumping Requirements

Wastewater haulers must abide by the dumping requirements established by the Sewer Department. These requirements shall include

directions about the time, location, and procedure for dumping. Haulers must leave the dump site clean and in good condition after dumping. Failure to abide by the dumping requirements shall be reason to refuse to allow the hauler to dump at the Buckhannon Treatment Plant. Failure to make prompt payment of dumping fees shall also be reason to refuse dumping privileges.

C Reporting

Wastewater haulers shall report to the treatment plant control building prior to discharging every load of wastewater that they bring to the treatment plant and complete a delivery ticket. Haulers are responsible to identify the quantity of wastewater being dumped and to provide means to the Sewer Department to verify that quantity. Other reporting may be required by the Sewer Department such as chain of custody identifying origin of the wastewater and chemical analysis of the wastewater. The Sewer Department reserves the right to sample and test any wastewater delivered by a hauler.

VII SEWER USE CHARGES

A General

The City of Buckhannon, in cooperation with the Buckhannon Sanitary Board, has adopted a system of charges for use of the sewer system. These charges have been acknowledged and accepted by the WV Public Service Commission through issuance of the Buckhannon Sewer Use Tariff. These charges are subject to change at any time, but only through an Ordinance duly advertised and adopted by the Buckhannon City Council and accepted by the WV Public Service Commission.

B Categories of Charges

Several categories of charges are included within the Buckhannon Sewer Use Tariff. These charges are identified below and are detailed in the most recent version of the Tariff.

1. Sewer use charges for residential and commercial customers are based on metered water consumption. These charges are divided into several blocks of water use with decreasing rates for each successive block of greater water use.
2. Special use charges are established for customers that do not have metered water use. These charges are based on "typical" water use. Special meters may be required for customers without metered water use but that do not have "typical" water use.
3. Tap fees are charged for the initial customer connection to the sewer system.
4. Special tap fees for sewer extensions to help defray the cost of a sewer line extension and to assure that all party's benefiting from a sewer extension share in its cost.
5. The Brushy Fork surcharge is a special charge to support the debt incurred by the Sanitary Board for the Brushy Fork sewer extension. This fee will be continued until that debt has been retired.
6. Roof drain or extraneous flow charges will be made to customers who do not remove extraneous flow from their discharge into the sanitary sewer as directed by the Sewer Department. This charge will be based on the amount of water that is calculated to be discharged into the sewer system by the particular customer.

7. Charges are made to waste haulers that bring wastewater to the treatment plant for discharge. These charges are based on the quantity of wastewater brought to the plant except that there is a minimum charge.
8. Bulk use customers are charged a special rate. These charges are based on water consumption. Bulk customers are described in Article V. A. 1.

C Billing

Sewer use billing shall be done on a monthly cycle corresponding to water meter reading cycles. Special fees shall be assessed when the associated services are requested and provided.

VIII INSPECTIONS

1. Many provisions of this ordinance establish performance requirements and use restrictions for customers of the Buckhannon Sewer System. In order to confirm that customers are adhering to these provisions, the Sewer Department may conduct inspections. Inspections may be made on the customer's plumbing and lateral piping to determine if it satisfies Sewer Department standards and to assure that no sources of extraneous flow are connected to the system. Inspections may also be made of customer wastewater generating processes, particularly in the case of commercial customers, to determine if the wastewater generated violates discharge restrictions. In cases where pretreatment facilities are required, inspections may be conducted on those facilities. Inspections may include observation of facilities, observation of operating activities, and review of records.
2. Unless there is reason to suspect purposeful discharge of dangerous materials into the sewer system, reasonable notice will be provided to the customer before an inspection is conducted and such inspection will be scheduled, to the extent possible, at the customer's convenience. Customer cooperation is expected during the course of any inspection.
3. The Sewer Department shall maintain records of inspections and any deficiencies that are noted during those inspections. Minor deficiencies may be reported to the customer verbally during the inspection. Major or repeated deficiencies shall be reported to the customer in writing.
4. At the present time, programs are in place to perform inspections on new or upgraded customer laterals and on grease traps or interceptors.
5. Major or repeated deficiencies found during the course of inspections, that are not promptly corrected in accordance with the provisions of this ordinance, may be subject to the penalties described in Article IX.

IX PENALTIES

1. Any customer, property owner, tenant or lessee, contractor, or any other party, business entity or corporation who fails to comply with any or all of the requirements or provisions of this ordinance or direction of the Sewer Department Superintendent or any other authorized employee of the City shall, upon conviction, be guilty of a misdemeanor offense and shall pay a fine to the City of Buckhannon of not less than ten dollars (\$10.00) nor more than (\$500.00) for each such offense plus court costs, or, in the discretion of a court exercising proper jurisdiction, i. e., the

Municipal Court of the City of Buckhannon or the Circuit Court of Upshur County, WV, may further be imprisoned for a period not exceeding thirty (30) days, or may be both fined and imprisoned for each offense. Each day during which any violation of this Ordinance continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with the Ordinance shall not excuse the violation or non-compliance with the Ordinance or permit it to continue; and all such persons shall be required to correct or remedy such violations or non-compliances within a reasonable time.

2. Notwithstanding the above penalties, any violation of this Ordinance or act against the sewer system of the City of Buckhannon which violates any civil or criminal statute of the State of West Virginia or the United States of America, or any administrative rule or regulation promulgated by any administrative agency acting thereunder, may be prosecuted by the City of Buckhannon to the fullest extent of the law.
3. Failure of any customer to comply with any financial obligation established by this Ordinance, may result, after notification in conformance with WV Public Service Commission requirements, in termination of the customer's water service.

X SEVERABILITY

In the event that any section(s) or provision(s) of this Ordinance is determined to be unconstitutional or invalid by a court exercising competent jurisdiction, such determination shall not affect the validity of this Ordinance as a whole or the sections and provisions thereof which are not specifically held to be unconstitutional or invalid other than that section(s) or provision(s) which is specifically determined to be unconstitutional or invalid.

XI REPEAL OF PREVIOUS ORDINANCES

Any and all provisions of all other municipal ordinances which may address connection to, discharge into, or use of sanitary sewers which are in conflict with this Ordinance are hereby repealed.

XII EFFECTIVE DATE:

This ordinance shall be deemed effective thirty (30) days following the second (2nd) reading, adoption and passage by the Council of the City of Buckhannon, i.e., February 17, 2007.

FIRST READING January 4, 2007

SECOND READING, PASSAGE AND ADOPTION: January 18, 2007

James W Knorr, III, Mayor

CERTIFICATE OF ENACTMENT

I, Nancy C Shobe, City Recorder, do hereby certify that the foregoing Ordinance No 332 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on January 18, 2007.

_____ Nancy C Shobe, City Recorder