

**HARPERS FERRY-BOLIVAR PUBLIC SERVICE DISTRICT SEWER USE
ORDINANCE**

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SEWER USE ORDINANCE

An Ordinance relating to the construction, acquisition, operation and maintenance of a sewer collection and disposal system in the territory served by the Harpers Ferry-Bolivar Public Service District and to establish said ordinance to comply with federal and state regulations governing the sewage system in said territory and this Ordinance and subsequent amendments hereto shall be called the Harpers Ferry-Boivar Public Service District Sewer Use Ordinance.

WHEREAS, it is the desire of the Harpers Ferry-Bolivar Public Service District (the "District") to establish all ordinances controlling the construction, acquisition, operation and maintenance of the sewage collection and disposal system of the District or areas being serviced by said system to include such terminology as is necessary to bring applicable codes pertinent to the District's sewage collection and disposal system into compliance with federal and state regulations. It is further the intent of this ordinance to charge the responsibility of updating and amending this ordinance to comply with future changes or expansions of the rules and regulations governing said system to the District, and that this update shall be performed on an annual basis commencing from the date of passage of the Sewer Ordinance, and all such amendments shall be a part of the Sewer Use Ordinance upon final action of the District's Board.

NOW, THEREFORE, BE IT ORDAINED BY THE HARPERS FERRY-BOLIVAR PUBLIC SERVICE DISTRICT:

ARTICLE I

Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- Section 1-1 Biochemical oxygen demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.
- Section 1-2 "Board" shall mean the Chairman and fellow Board Members, respectively, of the Harpers Ferry-Bolivar Public Service District, Jefferson County, West Virginia, as constituting the governing body of said District.
- Section 1-3 "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside

the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

- Section 1-4 “Building sewer” shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- Section 1-5 “Combined sewer” shall mean a sewer intended to receive both wastewater and storm or surface water.
- Section1-6 “Easement” shall mean an acquired legal right for the specific use of land owned by others.
- Section 1-7 “Floatable oil” is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- Section1-8 “Garbage” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, an serving of foods.
- Section 1-9 “Industrial waste” shall mean the wastewater from industrial process, trade, or business as distinct from domestic or sanitary strength wastes.
- Section 1-10 “Natural outlet” shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or ground-water.
- Section 1-11 “May” is permissive (see “shall”, Sec. 20).
- Section 1-12 “District” shall mean the Harpers Ferry-Bolivar Public Service District.
- Section 1-13 “Person” shall mean any individual, firm, company, association, society, corporation, or group.
- Section 1-14 “pH” shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ion, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen concentration of 10⁻⁷.
- Section 1-15 “Properly shredded garbage” shall mean 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 ½ inch (1.27 centimeters) in any dimension.
- Section 1-16 “Public sewer” shall mean a common sewer controlled by a governmental agency or

public utility.

- Section 1-17 “Sanitary sewer” shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- Section 1-18 “Sewage” is the spent water of a community. The preferred term is “wastewater”, Sec. 26.
- Section 1-19 “Sewer” shall mean a pipe or conduit that carries wastewater or drainage water.
- Section 1-20 “Shall” is mandatory (see “may”, Sec.11).
- Section 1-21 “Slug” shall mean 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 twenty-four (24) hour concentration or flows during normal operation and adversely affects the collection system and/or performance of the wastewater treatment works.
- Section 1-22 “Storm drain” (sometimes termed “storm sewer”) shall mean a drain or sewer for conveying water, groundwater subsurface water, or unpolluted water from any source.
- Section 1-23 “Manager” shall mean the duly appointed representative of the District who is charged with the responsibility of the day to day operation of the wastewater facilities, or his/her authorized deputy, agent or representative.
- Section 1-24 “Suspended solids” shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” and referred to as nonfilterable residue.
- Section 1-25 “Unpolluted water” is 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 benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.
- Section 1-26 “Wastewater” shall mean the spent water of a community. 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 groundwater, surface water, and stormwater that may be present.

Section 1-27 “Wastewater facilities” shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

Section 1-28 “Wastewater treatment works” shall mean an arrangement of device and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “water pollution control plant”.

Section 1-29 “Watercourse” shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

ARTICLE II

Use of Public Sewers Required

Section 2-1 Authority to Establish and Maintain a Sewer

For state law as to the authority of the District to establish and maintain a sewer system and sewage treatment and disposal system and to acquire property necessary therefor, see WV Code, 16-13A-1 and 8. As to authority of the District to make “low cost improvements”, including the construction, renewing and preparing of storm, sanitary and combined sewers, see WV Code 16-13-A-7. As to authority of the District to levy assessments for sewer improvements, and to regulate sewer connections, see WV Code 16-13A-9. As to District, see WV Code 16-13-A-1 etseq. As to jurisdiction of District for purposes of this chapter, see WV Code 16–13-A-8. As to requirement that method of drainage and system for extra disposal conform to plans, specifications and instructions of State Department of Health, see WV Code16-1-9.

Section 2-2 Declaration of Necessity

The use of the sewer system of the District is determined and declared to be essential for the protection and preservation of the public health, comfort, safety, economy and general welfare of the inhabitants of the territory served by the District and the State of West Virginia.

The owner, tenant or occupant of premises which abut on a street, easement or other public way containing a sewer service, or which, in the judgement of the Board of the District, is located within such a distance thereof that sewer service is reasonably available thereto, and upon which premises a building or other inhabitable structure has been or shall be erected for residential, commercial, or industrial use, or where persons are employed or congregate or are intended to be employed or congregate, shall be required to connect the building structure to the sewer system or to such part of the sewer system as may from time to time be extended or become reasonably available, and shall thereafter refrain from using or cease to use any other method in place of the

sewer services which are now, or may hereafter become, available; and shall thereafter pay all the charges, rates or fees as herein, or may hereafter be, provided for. All such connections shall be in accordance with the rules and regulations which shall be adopted from time to time by the District and such rules and regulations may provide for reasonable charges, fees or deposits required for making such connections, as may be approved by the West Virginia Public Service Commission. It shall be presumed that any building within 300 feet of the District's sewer system is subject to the mandatory connection as required in this Section.

For provisions as to authority of District to compel owners, etc., of property abutting on or near the street in which public sewer is laid and upon which any building, etc., is erected, to connect such property to the sewer; see WV Code 16-13A-9.

Section 2-3 Application for Sewer Service Required

It shall be unlawful for any person, including public bodies as well as natural persons, to make an initial cut-in or connection with the District sewer system and use that system without first making written application for such connection and service to the Board and paying all costs, charges, fees and deposits incident thereto. Such application shall be made on forms prescribed and furnished by the Board, and shall constitute an agreement by the applicant with the District to abide by all provisions of this chapter and such applicable rules and regulations of the Board in regard to the use of the sewer system. Such application for service by firms, partnerships, associations and corporations shall be submitted only by their duly authorized agent, and the official title of such agent shall be signed to the application.

The application shall grant or cause to be granted to the District, without cost, all rights, easements, permits and privileges which are necessary for the rendering of sewer service. Duly authorized employees of the Board shall have access to all reasonable hours to the premises of the applicant for the purpose of installing or removing any of its property, examining pipes or fixtures, or for any purpose incidental to the rendering of sewer service.

Section 2-4 Permit for Connection; Tapping Charge

It shall be unlawful for any person, whether property owner, drainlayer or otherwise, to connect with or tap a District sewer, either directly or indirectly, without first having a permit from the Board and having paid the tapping or maintenance charge fixed by law. In all cases, the tapping and maintenance charges for tapping a District sewer shall be as specified from time to time by the Board in an appropriate tariff, approved by the Public Service Commission, which shall be maintained on file in the office of the District.

ARTICLE III Connection to Public Sewers

Section 3-1 Tapping or Opening Sewer Without Permit

No person shall cut, break, pierce or tap any public sewer or appurtenances thereof, or introduce any tube, pipe, through, or conduit into, any public sewer or appurtenances thereof without a written permit from the Board.

Section 3-2 Sewer Taps Only by Authorized Persons

No person, except those persons duly employed or authorized by the District or by the Board for such purpose, shall tap the District's sewer mains.

Section 3-3 Sewer Tap Construction

Section 3-3-1. 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 District from any loss of damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 3-3-2. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through the adjoining alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as one building sewer, but the District does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

Section 3-3-3. Old building sewers may be used in connection with new buildings only when they are found on examination and test by the District Manager, to meet all requirements of this ordinance.

Section 3-3-4. The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the District. In the absence of code provisions or in amplification thereof, the material and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

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.

Section 3-3-5. 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 building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Manager for purposes of disposal of polluted surface drainage.

Section 3-3-6. 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 District for the procedures set forth in appropriate specifications of the ASTM and the SPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Manager before installation.

Section 3-3-7. The applicant for the building sewer permit shall notify the Manager when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Manager or his representative.

Section 3-3-8. 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 District.

Section 3-4 Approval of Connections by District Inspector

No sewer service shall be connected until the plumbing and connections incident thereto shall have been inspected and approved by an inspector of the Board.

No sewer service line shall be connected to the sanitary sewer system if that service line will contain flows other than sanitary wastewater. Roof drains, yard and area drains, footer drains, or any line other than that which serves a sanitary plumbing system are prohibited from connection to the District system.

Section 3-5 Unauthorized Connections Prohibited

No person shall connect to or turn on any sewer service, or cut-in, interconnect, tap or make any alteration to any main or distribution or connection or tapping to be made to the sewer system on his premises or the premises occupied by him or knowingly use the sewer service from connections in violation of any of the provisions of this article or any rules or regulations adopted by the Board with respect thereto.

Roof drains, yard and area drains, footer drains, or any line carrying flow other than exclusively sanitary wastewater are prohibited from connection to the sanitary sewer system.

Section 3-6 Establishment of Schedule of Rates and Charges; Use of Water Meters

For the payment of the proper and reasonable expense of operation, repair replacement, improvements, additions, betterments, extensions and maintenance of the sewer system and for the payment of the sums required to pay the principal and interest of all sewer and revenue bonds as they become due, the Board shall enact and may from time to time amend a tariff of just and equitable rates or charges for the use of and service rendered by the District sewer system and works of the District, which tariff of rates or charges may be based upon the metered amount of water

supplied the premises; and each tariff shall be maintained on file in the office of the District while it is in effect. Tariffs are subject to the approval of the West Virginia Public Service Commission.

Section 3-7 Established Rates Applicable to Premises Subsequently Served

The rates or charges so established for any class of users or property served shall be extended to cover any additional premises hereafter served which fall within the same class, without the necessity of any hearing or notice.

Section 3-8 District Subject to Established Rates or Charges

The District shall be subject to the established charges and rates, or to charges and rates established in harmony there with, for services rendered by the District which shall be deemed to be a part of the revenues of the sewage system and works and be applied as provided for the application of such revenues.

Section 3-9 Authority Vested in Board for Billing and Collection

All rates or charges provided for by this article shall be billed and collected monthly by the Board or by persons or agencies authorized by the Board. All bills shall be considered due and payable on or before the tenth day following the date rendered, or such other day as may be provided by in the District tariff.

Section 3-10 Lien for Enforcement of Collection of Billed Rates or Charges

All such rates or charges, if not paid when due, shall be a lien upon the premises served by such system or works, whenever such lien is authorized by statute, and if such rates or charges not be paid within thirty days after due, then the amount thereof, together with a penalty of ten percent, or as otherwise allowed by the District tariff, and a reasonable attorney's fee, may be recovered by the Board in a civil action in the name of the District. In connection with such action, such lien may be foreclosed against such lot, parcel of land or building, in accordance with the laws relating thereto.

Section 3-11 Industrial Use of Sewers

Where the character of sewage from any manufacturing or industrial plant, building or premises is such that it imposes a burden upon the sewer system in addition to the burden imposed by the average sewage entering the sewer system, such additional charge shall be made therefor as the Board shall deem to be fair and equitable to meet the additional cost of collection, treatment and disposal of such sewage, or as provided in the District tariff; and the Board may, if it deems advisable to do so; compel the owner, tenant or occupant of such manufacturing or industrial plant, building or precise to treat such sewage in such manner as shall be specified by the Board before discharging into the sewage system.

Section 3-12 Duration of Liability for Sewer Service

Liability for service shall begin for a user on the date of connection to the sewer system. Or when the user is notified to connect to the sewer system pursuant Section 2-2; and such liability shall continue thereafter unless such premises are disconnected from the sewer system with the approval of the Board. After such liability begins, no allowance shall be made for vacant houses unless request in writing to have the sewer system shut off is received by the Board, nor will any allowance be made for any shut off period which is less than thirty days.

Section 3-13 User's Responsibility to Keep Sewer Clean

The owner, tenant or occupant of the property shall be continuously responsible for maintaining and keeping the sewer pipe leading to and between the plumbing system of his premises to the District's connecting sewer clean and free from obstruction, and shall not cause, suffer or permit any article or thing, liquid as well as solid, to be introduced into the pipe which causes a stoppage thereof. In the event of any such obstructions or stoppage the Board shall have the right to cut off the water connection, which shall not be reconnected until such sewer pipe is cleaned and maintained properly; and in the further event of the failure of such user to remedy such obstruction or stoppage, the Board shall have the right to enter upon said premises and make necessary repairs, the costs and expenses of which shall be included as part of the charges against such premises.

Section 3-14 Leaks

No allowance or adjustment of any sewer bill shall be made water leaks of any nature occurring on the user's side of the water meter if the water so leaked enters the sewer.

Section 3-15 District Not Liable for Damage

Neither the District nor the Board shall be liable for any damage resulting from bursting of any sewer main, service pipe or valve, or from discontinuing the operation of its sewer valve, or from discontinuing the operation of its sewer collection, treatment and disposal facilities, for repairs, extensions or connections, or from the accidental failure of the sewage collection, treatment and disposal facilities from any cause whatsoever. In cases of emergency the Board shall have the right to restrict the use of its sewage collection, treatment and disposal facilities in any reasonable manner for the protection of the District and its sewer system.

Section 3-16 Tampering with Sewer Appurtenances

No person shall turn, lift, remove, raise or tamper with any cover or any manhole, basin, inlet or other appurtenance of any public sanitary and/or storm sewer without a written permit from the District, or of any combined sewer or sanitary sewer without a written permit from the Board.

Section 3-17 Entering Sewer

No person, other than one employed by the District while on duty, shall enter any public sanitary and/or storm sewer or appurtenances thereof without a written permit from the District, or shall enter any public combined sewer or sanitary sewer without a written permit from the Board.

Section 3-18 Injury to Sewer

No person shall break or damage any public sewer or appurtenance or part thereof.

ARTICLE IV Discharge Into
Public Service

Section 4-1 Unpolluted Discharge

No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer with permission of the Manager and the necessary permit obtained.

Section 4-2 Stormwater

Stormwater, and all unpolluted drainage, shall be discharged to such sewers as are specifically designated as combined sewers or to a natural outlet approved by the Manager and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged on approval of the Manager to a storm sewer, combined sewer, or natural outlet.

Section 4-3 Flammable, Explosive or Hazardous Substance and Foreign Matter

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

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (b) Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters on the wastewater treatment plant.
- (c) Any waters or wastes having pH lower or higher than that normally encountered in the system, or having any other corrosive property capable of causing damage or hazard to structures, equipment operation and personnel of the wastewater works

without a permit to do so.

- (d) Solid or viscous substance in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Section 4-4 Toxic Substances

The following described substances, materials, waters, or waste shall be limited in discharges to the sewer system to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Manager may set limitations lower than the 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, the Manager will give consideration to such factors as the quantity of subject of waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Manager are as follows:

- (a) Wastewater having a temperature higher than 150 degrees Fahrenheit (65° Celsius).
- (b) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- (c) Wastewater from industrial plants containing floatable oils, fat, or grease.
- (d) Any garbage that has not been properly shredded. 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 in kitchens for the purpose of consumption on the premises or when served by caterers.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substance to such degree that any material received in the composite wastewater at the wastewater treatment works exceeds the limits as may be established by the Manager for such materials.
- (f) Any waters or wastes containing odor-producing substances exceeding limits as may be established by the Manager.

- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established
- (h) Quantities of flow, concentrations, or both which constitute a “slug” as defined herein.
- (i) Waters or wastes containing substances which are not amenable to treatment processes employed, or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (j) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release monoxious gases, from suspended solids, which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

Section 4-5 Conditional Service

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgement of the Manager may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Manager may:

- (a) Reject the wastes.
- (b) Require pretreatment to an acceptable condition for discharge to public sewers.
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment of cover added cost of handling and treating the wastes not covered by existing sewer charges.

When considering the above alternatives, the Manager shall give consideration to the economic impact of each alternative on the discharger. If the Manager permits the pretreatment or equalization of waste flows, the design and installations of the plants and equipment shall be subject to the review and approval of the Manager.

Section 4-6 Grease, Oil and Sand Separators

Grease, oil and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Section 4, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All

interceptors shall be of a type and capacity approved by the Manager, and shall be located as 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 by appropriate means of the captured material and shall maintain records of the dates, means of disposal which are subject to review by the Manager. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

Section 4-7 Pretreatment

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 by the owner(s) at his expense.

Section 4-8 Metering and Sampling Devices

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

Section 4-9 Design Data on Connection

The Manager may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- (1) Wastewaters' discharge peak rate and volume over a specified time period.
- (2) Chemical analyses of wastewaters.
- (3) Information on raw materials, processes, and products affecting wastewater volume and quality.
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- (6) Details of wastewater pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the District's sewer.

Section 4-10 Measurements, Tests, and Analyses

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, durations, and frequencies are to be determined on an individual basis subject to approval by the Manager.

Section 4-11 Disclaimer

No statement contained in this article shall be constructed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment.

ARTICLE V

Powers and Authority of Inspectors

Section 5-1 Right of Entry for Purpose of Discharge Inspection

The Manager and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.

Section 5-2 Collection of Information

The Manager or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

Section 5-3 Required Safety Procedures

While performing the necessary work on private properties the Manager or duly authorized employees of the District shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the District employees, and the District shall indemnify the company against loss or damage to its property by District employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

Section 5-4 Right of Entry To and From All Negotiated Easements

The Manager and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds

a duly negotiated easement for the purposes, 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 negotiated easement pertaining to the private property involved.

ARTICLE VI

Amendments To and Precedence of the Sewer Use Ordinance

Section 6-1 Amendments to the Sewer Use Ordinance

The Board shall, upon an annual basis, or as deemed necessary from time to time between annual review, review and cause to be enacted such amendments to the Sewer Use Ordinance as are necessary to bring the ordinance into compliance with applicable federal and state regulations and changes thereto. All such amendments shall be clearly delineate Article and Section to be altered or expanded.

Section 6-2 Precedence of Past and Present Ordinances

It shall be the responsibility of the Board to review and render a decision as to a precedence involving a present or past ordinance to insure compliance with applicable statues prior to rendering said precedence. Upon resolution of the discrepancy and the precedence set an amendment to the Sewer Use Ordinance shall be enacted as stated in Article VI, Section 6-1.

Section 6-3 Precedence of the Sewer Use Ordinance and Other Codes

Procedures shall be as outlined in Article VI, Section 6-2.

ARTICLE VII

Conflict Clause

Section 7-1 All ordinances or parties of ordinances in conflict herewith are hereby repealed.

Section 7-2 The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE VIII

Emergency Contact Information and Hours of Operation

Section 8-1 Office phone number 304-535-2390 fax 304-535-2524 and emergency contact phone numbers 304-582-9995 Mr. Williams Operations Supervisor and 304-582-9994 Mr. Tennant Plant Operator.

Section 8-2 Office hours at the waste water treatment plant are 8:00 a.m. to 4:00 p.m. Monday through Friday.

Administrative Action

This ordinance shall become effective immediately. Dated this _____ day of _____, 2015.

HARPERS FERRY-BOLIVAR
PUBLIC SERVICE DISTRICT

By: _____
James A. Addy, Chairman