

**VOLUME 2 – RULES AND REGULATIONS**

**Part A – Rules and Regulations**

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## **VOLUME 2 - RULES AND REGULATIONS**

### **Part A - Rules and Regulations**

#### **1. General Conditions**

##### **1.1 Introduction**

The purpose of this Part is to establish rules and regulations for the Fauquier County Water and Sanitation Authority (hereinafter the "Authority") of Fauquier County, Virginia in accordance with Sections 15.1-1239 through 15.1-1270, inclusive of the Code of Virginia of 1950, as amended, and which are applicable to the public water and sanitary sewerage facilities now existing or which may, in the future, be under the jurisdiction of the Authority. This Part establishes the rules and regulations which govern the use of the public water and sanitary sewerage facilities when such utilities are proposed for use for residential, business, commercial, or industrial purposes within Fauquier County, Virginia.

Inquiry for information or clarification of any item herein pertinent to other matters concerning these facilities shall be directed to the Executive Director, Fauquier County Water and Sanitation Authority, 7172 Kennedy Road, Warrenton, Virginia 20187-3907.

##### **1.2 Validity**

If any section, subsection, sentence, clause, or phrase of these Rules and Regulations is for any reason held to be invalid, such decision shall not affect the validity of any other part of the rules and regulations which can be given effect without such invalid part of parts.

No statement or obligation contained in this Part shall be construed to interfere with any additional requirements which may be imposed by County Ordinances, Commonwealth of Virginia, Department of Health, or the Department of Environmental Quality. In accordance with applicable statutes of the Code of Virginia, the Authority may revise these rules and regulations as may be required by majority vote of the Authority.

In the event of any variance between the Rules and Regulations in this publication and applicable rules, regulations, and specifications of the State Department of Health or the Department of Environmental Quality, the rules, regulations, and specifications of said State agencies shall prevail unless more rigid requirements are dictated by these Rules and Regulations.

##### **1.3 Definitions**

Unless the context specifically indicates otherwise the meaning of terms used herein shall be as follows:

- A. Advance Availability - shall mean any Availability purchased for any parcel of land within a Service Area, in advance of the Authority's extension of services into the Service Area.
- B. Applicant - shall mean any person or entity requesting water and/or sewer service from the Authority.
- C. Authority - shall mean the Fauquier County Water and Sanitation Authority or its authorized and/or delegated representative.
- D. Availability - The right of a subscriber to connect to the water and/or sewer system of the Authority upon payment of all applicable rates, fees and charges.
- E. Board - shall mean the Board of County Supervisors, the governing body of Fauquier County, Virginia.
- F. Commercial User - shall mean all non-residential users.
- G. Connection Fees - All fees appropriate to the class of service being provided, that shall be paid before full service is initiated, including, but not limited to Availability Fees, Permit Fees, Meter Fees, Review Fees, etc.
- H. County - shall mean the County of Fauquier, Virginia.
- I. Domestic Wastes - shall mean the water-carried liquid or solid wastes which are derived principally from residential dwellings and commercial buildings.
- J. Facilities of the Authority - shall mean any and all component and pertinent parts of the entire utility system of the water and sanitary sewerage facilities under the jurisdiction of the Authority, including but not limited to the County, or any public agency of Fauquier County, such as water mains and their appurtenances, water storage tanks, filtration or treatment facilities and pumping station, sewers and their appurtenances, sewage pumping stations and treatment plants, including these items and others now constructed, installed, leased, operated or maintained by the Authority, or any which may be leased, operated or maintained by the Authority, or any which may be approved and accepted in the future as additions or extensions of the systems.
- K. Industrial Wastes - shall mean the water-carried liquid or solid wastes from institutional establishments and industrial plant processes as distinct from Domestic Wastes.
- L. May is permissive, or conditional.

- M. Non-Potable or Raw Water - shall mean water classified as unsuitable for human consumption.
- N. Owner, Developer, or Subdivider - shall mean any person, firm, partnership, corporation, association, society or group owning or having an interest, whether legal or equitable, sole or partial, in any premise or tract, lot or parcel of land which is or may be in the future developed or subdivided.
- O. Person - shall mean any individual, firm, partnership, corporation, association, society, group, and unit of local, state or federal government.
- P. Potable or Finished Water - shall mean water classified as suitable for human consumption.
- Q. Premise - shall mean any building or group of buildings, or any tract, lot or parcel of land upon which buildings are to be constructed and which is or may be served by the Facilities of the Authority.
- R. Sanitary Sewerage Facilities - shall mean all facilities for the collection, pumping, transmission, treatment, and disposal of sewage or wastewater.
- S. Service Area - shall mean the territory included within the boundaries of each or all of the areas of Fauquier County designated by the Board of Supervisors as Service Districts in the Fauquier County Comprehensive Plan, or by such other Rules and Regulations as the Authority may adopt.
- T. Sewer Main or Sewer Line - shall mean a pipe or conduit for the collection and transmission of sewage or wastewater.
- U. Shall is mandatory.
- V. Subscriber - shall mean any person or entity connected to the water and/or sewer system of the Authority.
- W. Wastewater or Sewage - shall mean any combination of Domestic and Industrial Wastes together with any groundwater, surface water or storm water that may be present.
- X. Wastewater Treatment Plant or Sewage Treatment Plant - shall mean any arrangement of devices and structures used for the treatment of sewage or wastewater.
- Y. Water Filtration Plant or Water Treatment Plant - shall mean any arrangement of devices and structures used for the treatment and/or purification of non-potable or raw water.

- Z. Water Main or Water Line - shall mean a pipe or conduit for transmission or distribution of potable or finished water.
  
- AA. Waterworks or Water Facilities Improvements - shall mean all facilities for the treatment and/or purification of non-potable or raw water and the transmission, pumping, and distribution of potable or finished water.

## 2. Water and Sewer Services

### 2.1 General Policy

#### A. Easement Costs

Applicants at their sole expense shall be obligated to obtain any and all necessary easements and/or fee simple properties and pay all associated expenses, including but not limited to surveying, plat preparation, legal recordation and purchase costs for obtaining easements and/or fee simple properties which may be required from adjacent landowners to effect a physical connection of the Applicant's property to the dedicated facilities of the Authority. Said easements and/or fee simple property shall be dedicated in sufficient form to the Authority.

#### B. Lack of Capacity

No commitment of future service will be made by the Authority to an Applicant in an area where adequate flow and pressure or wastewater treatment capacity is not available in the system.

#### C. Prohibition on Free Service

The Authority will not provide free service to any user of the water and/or sewer systems, nor waive any fees normally charged to such users for service.

#### D. System Expansion

Nothing contained in these Rules and Regulations shall be construed to limit or prevent the Authority from extending or supplementing its facilities whenever it is determined that circumstances so warrant.

### 2.2 Mandatory Sewer Connections

The owner of any building or structure for which sewage disposal is required, and for which building permits for such building or structure are issued after April 20, 1982, shall be required to connect such building or structure to the public sewer, provided that said building or structure is within three hundred (300) feet of approved public or private sewer. In addition, if any privy system or individual sewage disposal or individual treatment system is found by the County health department to have become unsanitary or malfunctioning, it shall be unlawful for any person to replace, repair or clean any such system or any part thereof in any manner to improve its operating conditions if sewer service is within three hundred (300) feet of any building or structure which such privy or individual sewage disposal or individual treatment system served; provided, that it shall not be unlawful to make emergency repairs to clean out so as to permit use of the facilities pending connection to the public or private sewer, provided such connection is made in the most expedient manner and provided the health department is notified of

such connection or temporary repairs; and provided further that individual sewer disposal systems that serve property adjacent to a force main sewer line can be replaced, repaired or cleaned, notwithstanding that provisions hereof, subject to County health department approval. It is further provided that the owner of any building or structure for which sewage disposal is required and which is connected to public sewer shall not disconnect the building or structure from such public or private sewer. (Fauquier County Code, Section 17-5)

### 2.3 Mandatory Water Connections

The owner of any building or structure for which water is required, and for which building permits for such building or structure are issued after April 20, 1982, shall be required to connect such building or structure to the public water supply system, provided that said building or structure is within three hundred (300) feet of approved public water supply system. In addition, if any water system is found by the County Health Department to be polluted or not potable, it shall be unlawful for any person to replace or repair any water system or any part thereof in any manner to improve its operating conditions, if the public water supply system is within three hundred (300) feet of any building or structure which such water system served; provided, that it not be unlawful to make emergency repairs so as to permit use of the facility pending connection to the public water supply system, provided such connection is made in the most expedient manner and provided the health department is notified of such connection or temporary repairs. It is further provided that the owner of any building or structure for which water is required and which is connected to an approved public water supply system shall not disconnect the building or structure from such public water supply system. (Fauquier County Code, Section 19-18)

### 2.4 Connections When Utility Capacity is Available and Infrastructure Constructed

The Owners of all residential dwellings, commercial buildings, industrial plants, institutional establishments, structures, and properties used for human occupancy, business, employment, recreation or other purposes or those who have been directed by the Board of Supervisors of Fauquier County to obtain or provide central water or sewer service for their project or development, shall be required to:

- A. Request water and/or sewer service by application to the Authority on a prescribed form,
- B. Install suitable toilet, drain and other disposable liquid wastes facilities therein;
- C. Connect such facilities directly with the public sewer or water facility.

### 2.5 Connections When Utility Capacity is Available but Infrastructure Not Yet Constructed

The Developer of any new residence, subdivision or commercial or industrial site located where Authority owned and/or operated public water facilities and/or sanitary sewerage facilities are available shall be required to:

- A. Obtain one copy of these Rules and Regulations and Volume 5, Part A - Utility Standards of the Authority's *Operating Code*.
- B. Request both public water and sewer service by application to the Authority. The Authority will notify the Developer, within 30 calendar days of receipt of the application, as to whether or not the services requested can be provided.
- C. Construct, at the expense of the Applicant, water main or sewers as deemed by the Authority to be necessary, feasible or advisable to connect the applicable systems of the subdivision or development to the suitable facilities of the Authority. Regardless of whether the Authority decides to participate in the development, the plans and specifications of any proposed central water and sewer system shall be in conformance with these Rules and Regulations and Volume 5, Part A - Utility Standards of the Authority's Operating Code and subject to approval and subsequent construction inspection of the Authority.
- D. Complete a Developer's Agreement between the Applicant and the Authority, if deemed necessary by the Authority, detailing the financial responsibilities, location and details of necessary construction, deed transfers and easement considerations.
- E. Complete, subsequent to the construction of such facilities, transfer of ownership of the new facilities to become the property of the Authority.

## 2.6 Connections When Capacity and/or Source are Not Available

The Authority reserves the absolute right to impose specific and temporary limits on new connections to its water and/or wastewater systems when, from time to time and in its sole opinion, treatment capacity or source is limited. To correct this deficiency, the Authority may elect to enter into an appropriate Developer's Agreement for the construction of such additional capacity as needed, may elect to develop such capacity itself or may determine that such expansion of capacity is not in the best public interest.

## 2.7 Construction Planning and Funding Responsibilities

Where a developer, builder, contractor, or property owner requires and builds a water/sewer line extension or expansion of existing facilities to serve either residential or non-residential developments, the following shall apply:

- A. Said Applicant shall, at the time of filing, file therewith a preliminary detail statement of plans, specifications, potential number of customers, fixture counts, route, long term expansion plans and any other matters deemed to be helpful to

the Authority, together with proof of financial responsibility and such other information as may be requested by the Authority, in order to secure estimates for the overall project cost.

- B. Applicants shall pay for the entire construction cost of all water/sewer line extensions for whatever size lines the Authority determines are necessary to serve the proposed development, but in no case less in size than six inches in diameter for water and eight inches in diameter for sewer.

## 2.8 Application for Service

### A. Application Submittal

Application for services will be available at the Authority's Office, during business hours. These prescribed forms shall be completed and submitted to the Authority at least seven days before a new connection is desired to be made. Specific examples of forms and detailed processing procedures can be found in Volume 3, Part C - Developer Services Procedures of the Authority's Operating Code.

The Authority shall accept, review and render decisions on all applications for public water and/or sanitary sewer service to the Premises described in the applications from any persons who are owners, contract owners, legal representatives of the owners, or tenants of land within Fauquier County.

### B. Application Information

Applications for water and/or sewer services shall be made on a form prescribed and furnished by the Authority for the purpose of such application. Each form shall be accompanied by any measurements, maps, drawings or other such data that will clearly establish and indicate the physical location of the Premise for which the application is submitted. If the proposed or physical location of the available service is known, it shall be indicated on the same map, drawing or data submittal. Drawings shall have a minimum scale as required in Volume 5, Part A – Utility Standards of the Authority's Operating Code.

Applications for industrial establishments shall also submit with their application written information regarding plant location, type of industry, raw and finished products, approximate magnitude of utility requirements, types of Industrial Wastes to be discharged, proposed facilities for pre-treatment of Industrial Wastes, and any other data pertinent to the industry's utility requirements.

### C. Applications Requiring Construction

Where construction of water and/or sanitary sewerage facilities is required, the submittal requirements outlined in Volume 5, Part A - Utility Standards of the Authority's Operating Code shall be followed.

#### D. Right to Refuse Service

The Authority reserves the right to approve, revise and request additional data, design or other information, or to disapprove any service application or plans pertinent thereof, as the opinion or best interest of the Authority may determine.

### 2.9 Disposition of Applications

- A. On receiving a complete and conforming application for service, the Authority will approve, with or without revisions, or disapprove the application, within 45 days, to indicate the decision of the Authority and return one copy of each of the submitted items to the Applicant.
- B. The Applicant receiving a returned application marked with revisions shall conform strictly with the notations indicated thereon by the Authority.
- B. The procedures outlined in Volume 3, Part C - Developer Services Procedures and Volume 5, Part A - Utility Standards of the Authority's Operating Code will be followed for processing applications.

### 2.10 Emergency Reserve Capacity and Assignment

To ensure long term sustainability of the Authority's water supply facilities and to protect the public health, safety and welfare, the Authority may reserve public drinking water capacity within each of the Authority's existing water systems to serve existing structures, located on properties in that service district, which have failing or contaminated private drinking water wells and to support future transition of existing private well customers to the Authority's water system. Upon application from a landowner for new water service, where an existing structure is served by a private well, the Authority may sell availability from the reserved capacity subject to the following conditions:

- All other conditions and requirements of the Operating Code to receive service from the Authority are met, including the installation of all necessary connecting infrastructure to connect such property to the nearest public water main and the payment of all fees and charges required by the Authority.
- The Authority water system for that service district has not been issued any regulatory warning or notice of violation relating to capacity limitations within the preceding three years.
- Applicant obtains all required well abandonment approvals from all regulatory agencies and governmental entities, and agrees in writing to abandon the existing private well, and all water wells located on the property, within 60 days of the

Authority's availability assignment. Applicant shall further agree in writing, that if the existing well is not abandoned within 60 days of availability assignment, that the Authority shall have the right to enter upon the property and to abandon the well or wells at the applicant's sole cost and expense.

- The Authority shall only assign reserved availability on an exchange basis. If the existing structure is a single-family residential dwelling, the Authority shall assign one equivalent residential connection to the property, regardless of the capacity of the well or wells being abandoned. If the existing structure is used for any other purpose, the Authority will calculate the capacity necessary to serve the existing structure at its current use and assign water capacity to the extent such capacity is reasonably available, in the sole discretion of the Authority, as part of the Authority's reserved water capacity.

### 3. Acquisition of Facilities

#### 3.1 New Systems

##### A. Operating Guarantees

If the potential exists that the initial connections to the water and sewerage system are insufficient to support the operation and maintenance cost incurred by the Authority, the developer or owner shall provide such guarantees in the form of sureties or other negotiable instruments as agreed by both parties, to insure support of the operation and maintenance cost until sufficient connections are supporting the system.

##### B. Construction Standards

The builder, developer, or contractor shall install, at the sole expense of the Applicant, the water/sewerage facilities system, including meters, all to requirements of Volume 3, Part C – Developer Services Procedures and Volume 5, Part A - Utility Standards of the Authority's Operating Code and subject to approval of the Authority.

##### C. Construction Progress Inspections

During progress of the work, the Authority and/or its authorized representative, inspectors, or others who are directly concerned with the work shall have access to the locations of construction for the purpose of establishing to their satisfaction that the projects are being constructed to the Authority's requirements and in accordance with approved plans and specifications.

##### D. Final Inspections

At the completion of any construction project of water or sanitary sewerage facilities, the Developer or Owner responsible for construction shall notify the Authority in writing that the project has been completed.

- (1) Certificate of Completion - A Professional Engineer registered in the Commonwealth of Virginia shall seal and sign a letter certification stating that the facilities have been constructed in accordance with the approved plans and specifications and with these Rules and Regulations and Volume 5, Part A - Utility Standards of the Authority's Operating Code. The Developer's or Owner's letter of notifications shall be accompanied by the Engineer's letter of certification, all as-built plans, final specifications and other such data and addenda relative thereto as may be required by the Authority.

- (2) Field Inspection - On receipt of such notification of completion and as-built plans, and on written request of the Developer or Owner responsible for the construction, the Authority shall make a final comprehensive inspection of the completed facilities, including detailed examination of conformance of the work with the approved plans and/or specifications, alignment of sewers, infiltration, leakage, workmanship, operation of equipment, and other related items to the satisfaction and best interest of the Authority. The Developer or Owner or responsible representative shall accompany the authorized agent of the Authority and shall furnish whatever labor as may be necessary to conduct the final inspection.
- (3) Defects - Deficiencies which are found to exist during the inspection shall be pointed out to the Developer or Owner's representative. Subsequent to the inspection, the Developer or Owner will be furnished, in writing, a summary of the deficiencies found and corrections which are required. On notification that all such deficiencies have been corrected, the Authority will re-inspect all corrected work prior to approval of the facilities.

E. Approval of New Construction

The Authority will approve newly constructed water and sanitary sewer service facilities on satisfaction of the following conditions:

- (1) That all requirements of Volume 3, Part C – Developer Services Procedures of the Authority's Operating Code and the foregoing Sections 3.1 (A) through (D) have been fulfilled.
- (2) That, in the case of water mains, physical disconnection, by actual removal of any connecting mains, has been made from any and all other private systems.
- (3) That all matters relative to specific contracts between the Developer or Owner and the Authority are in order.
- (4) That payment has been made by the Developer or Owner of all fees relative to applications and inspections.

F. Waiver of Liens

The developer shall submit to the Authority a fully executed waiver of mechanics lien form signed by all contractors, subcontractors and suppliers who performed work or supplied material for the facilities.

G. Title Conveyance

The developer shall in good and sufficient form, free of encumbrances and at no cost to the Authority, convey fee simple title to the Facilities to the Authority with all requisite easements for the operation and maintenance of the facilities, by deed with General Warranty and English Covenants of Title, in accordance with Section 4-11 of the Fauquier County Subdivision Ordinance and the procedures and requirements detailed and found in Volume 3, Part C - Developer Services Procedures and in Volume 5, Part A - Utility Standards of the Authority's Operating Code.

H. Construction Warranty

The developer shall be responsible for and obligated to correct any deficiencies in the construction of the facilities for a period of one year from date of conveyance of the Facilities to the Authority by deed as above required.

I. Authority Ownership

Upon compliance with the above, the Authority shall thereafter supply, maintain, service, and operate said system and collect all fees from said system, and user chargers, according to its effective Volume 2, Part B -Schedule of Rates, Fees and Other Charges of the Authority's Operating Code.

3.2 Acquisition of Existing Systems

A. Policy

(1) General - From time to time, the Authority is asked to purchase existing water and/or wastewater systems within Fauquier County. In accordance with its charter, it is the policy of the Authority to acquire only those existing water and wastewater systems which will enhance the Authority's overall operation. As the construction and operation of existing systems may not be within Authority standards, the subsequent acquisition of these systems demands a more detailed evaluation and consideration than those systems built for and immediately assumed by the Authority. For favorable consideration, systems proposed for acquisition by the Authority will usually have the following characteristics:

- (a) They will be adjacent to or reasonably close to an existing Authority system to permit connection with only limited infrastructure construction.
- (b) They will not be an added financial burden to existing Authority customers.
- (c) Acquisition by the Authority will have the support of a majority of the current users of the system to be acquired.

- (d) The new customers can and will pay the monthly operating and maintenance rates in effect for all of the Authority systems.
- (2) Specific - The following considerations will be used when evaluating system acquisitions:
  - (a) Existing Infrastructure - The Authority will generally not pay for existing distribution or collection systems as these costs have already been recovered by the developer in the sale to individual property owners.
  - (b) Water Source - On a case-by-case basis and at its sole determination, the Authority will pay an amount determined by the Authority for capacity at an existing water source that exceeds the capacity required for the existing and potential customers served or to be served by such source.
  - (c) Treatment Capacity - On a case-by-case basis and at its sole determination, the Authority will pay an amount determined by the Authority for existing treatment capacity that exceeds the capacity required to serve the existing and potential customers of the system to be acquired.
  - (d) Availability Fees - In those cases where water source and/or treatment capacity of the system to be acquired is inadequate, the owner of the system may be required to pay or arrange for a payment that is adequate, in the opinion of the Authority, to reimburse it for capacity in the Authority's systems.
  - (e) Transaction Costs - Transaction costs (if any), including, but not limited to the Authority's consulting, legal, engineering and conveyance costs, will be borne solely by users and/or owner of the system to be acquired.

B. Approach

- (1) Acquisition Steps - While every acquisition is a unique process whose merits shall be individually evaluated, a number of steps are normally undertaken before an existing system will be accepted for ownership and operation by the Authority.
  - (a) Identification - The initial phase of the acquisition strategy includes the evaluation of the existing system by the staff and/or outside consultants. This phase seeks to create an accurate picture of the layout, sizing, condition, performance, and operating costs of the existing system. In addition, existing and required easements are

identified. Finally, the cost to bring the system up to Authority standards is quantified.

- (b) Negotiations - Agreement is reached between the system owner and the Authority for its acquisition during this phase. Also, during this phase, the cost to be borne by system owner, a Capital Deficiency Assessment (CDA) is identified.
- (c) Closure and Administration - Final closure of the sale will require the exchange of fees, titles and deeds to land and equipment and the initiation of service to the area by the Authority.

- (2) Right of Refusal - The Authority maintains an absolute right to refuse acquisition of any and all existing systems that, in its sole judgment, it determines are not suitable for connection to the Authority's systems or which would place a financial burden on the existing customers of the Authority's system.

C. Capital Deficiency Assessment

- (1) Definition - A Capital Deficiency Assessment is a one-time charge to the current owner of a water and/or wastewater system being acquired by the Authority.
- (2) Purpose - The purpose of the CDA is to pay for those capital investments which the Authority will be required to make to connect the system and to bring it up to Authority construction and operating standards.
- (3) Payment Period - Capital Deficiency Assessments shall be paid in full at the time of system acquisition.

D. Investigation Costs

- (1) Definition - Initial investigation costs shall include all anticipated costs required to obtain a reasonably accurate estimate and evaluation of the existing system. These costs may include, but are not limited to, staff evaluation time, flow testing, surveying, title search, legal opinion, professional engineering analysis, etc. During the identification phase of the acquisition process, the Authority and system owner will collectively identify the degree and method of investigation needed to obtain a true picture of the system. In addition, a cost cap will be agreed for these investigative services.
- (2) Responsibility - The owner of the system being proposed for acquisition pays all investigation costs. The Authority will make an attempt to accurately estimate such costs, but the system owner bears full

responsibility for paying the actual costs and will agree to payment of these charges before an analysis will be undertaken by the Authority.

- (3) Refunds - Costs for the evaluation of an existing system are not refundable should the Authority elect not to, or is unable to, acquire the system. The cost of investigation may, however, be added to the Capital Deficiency Assessment should the Authority decide to proceed with the acquisition.

### 3.3 Freestanding Wastewater Treatment or Water Systems

- A. The Authority, in its sole discretion, will consider the operation and/or ownership of freestanding and/or alternate technology wastewater treatment facilities, in accordance with Volume 5, Part C – Community Wastewater System Standards and Volume 5, Part D – Community Water System Standards of the Authority’s Operating Code.
- B. Sewage collection systems connected to either freestanding and/or alternate technology wastewater treatment facilities will be considered for connection to the Authority’s public wastewater system in accordance with § 3.2 above, with the costs of connection to the system and the costs of demolition of the treatment facilities to be included in the calculation of the Capital Deficiency Assessment.
- C. Freestanding water systems and their related distribution infrastructure will be considered for connection to the Authority’s public water system in accordance with § 3.2 above, with the costs of connection to the system to be included in the calculation of the Capital Deficiency Assessment.
- D. The determination of whether a wastewater treatment facility or water system is considered to be freestanding shall be at the sole discretion of the Authority Board.

## 4. System Surcharges

### 4.1 Availability Surcharges

Where the Authority constructs facilities for public utility service and normal Availability Fees, as set forth and as revised from time to time, for capacity, treatment plant construction cost or water source costs are insufficient to pay for such extensions, the Authority may assess a surcharge to the cost of Availability for users of such extensions. Such surcharge shall be as fixed by the Authority's effective Volume 2, Part B - Schedule of Rates, Fees and Other Charges of the Authority's Operating Code and shall be sized to off-set the additional expense of system construction within this designated area.

#### A. Applicability

The additional availability charge shall be applicable to all users of the extended system and shall continue in effect until such extension is paid for and/or the Authority deems the revenues from the users of such extension to be sufficient to pay the installation costs of such extension.

#### B. System Limits

The Authority shall designate the infrastructure to which this provision shall apply prior to such line being placed in service.

#### C. Surcharge Determination

At such time, as part of a rate making process, the Authority shall determine the additional fee to be charged in such cases; and all Applicants of these facilities shall be charged the same amount so long as the additional Connection Charge herein set forth remains in effect. The additional Availability Fee shall be determined by considering the potential number of connections resulting from such new plant, the costs of the additional treatment capacity or water source required and other matters as the Authority may deem pertinent.

### 4.2 Usage Surcharges

Where the cost of operating and maintaining a water and/or wastewater system are significantly more costly than can be supported by the existing user rate structure, due to regulatory requirements, labor, material or power costs or other impacting requirements, the Authority shall designate that portion of the system impacted by such extraordinary costs and shall apply an additional surcharge to the customers served by this portion of the system. Such surcharge shall be as fixed by the effective Volume 2, Part B - Schedule of Rates, Fees and Other Charges of the Authority's Operating Code and shall be sized to off-set the additional expense of system operations within this designated area.

#### A. Applicability

The additional usage charge shall be applicable to all users of the extended system and shall continue in effect until such extension is paid for and/or the Authority deems the revenues from the users of such extension to be sufficient to pay the installation costs of such extension.

B. System Limits

The Authority shall designate the infrastructure to which this provision shall apply at the time the surcharge is imposed.

C. Surcharge Determination

At such time, as a part of a rate making process, the Authority shall determine the additional fee to be charged in such cases; and all Applicants of those facilities within the designated area shall be charged the same amount so long as the additional usage charge herein set forth remains in effect. The usage surcharge shall be determined by considering the additional cost of operating and maintaining the utility service in the designated system.

## 5. Use of Water Facilities

### 5.1 Withdrawal Prohibited Without Permit

Except as permitted in the Rules and Regulations of the Authority, or under conditions specifically approved in writing by the Authority, no persons shall withdraw any water from the water system of the Authority. All users shall first obtain a valid permit from the Authority allowing for said withdrawal of water from the systems.

### 5.2 Cross Connection and Backflow Prevention

The provisions of Volume 2, Part C - Cross-Connection Control Plan of the Authority's Operating Code shall apply.

### 5.3 Violations - Penalties

Any person violating the provisions of Section 5.1 and 5.2 herein shall be guilty of a misdemeanor punishable by fine not exceeding \$1,000 or by imprisonment not exceeding twelve months or by both such fine and imprisonment. Each day such violation continues shall constitute a separate offense. The Authority, in addition to other remedies may institute an appropriate action or proceeding, at law or in equity, to prevent violation or attempted violation, to restrain, correct and abate such violation or to prevent any act which would constitute such a violation of the provisions of Sections 5.1 and 5.2 herein.

### 5.4 Pressure and Continuity of Supply

The Authority will strive to provide, but cannot guarantee, a sufficient or uniform pressure, or an uninterrupted supply of potable water.

#### A. Storage

Customers are cautioned to maintain a sufficient water storage where an absolutely uninterrupted supply shall be assured, such as for steam boilers, domestic hot water systems, gas engines, etc.

#### B. Low Water Pressure

Where the system water pressure is lower than desired, the customer may install at his own expense a tank and/or booster pump with the appropriate backflow prevention as approved by the Authority.

#### C. High Water Pressure

Where the water pressure exceeds 80 psi the customer shall install at his own expense, a proper pressure regulating device to reduce the water pressure as

required by the applicable International Residential Code (IRC) and International Plumbing Code (IPC).

D. Water Hammer

The Authority reserves the right to require the Owner or customer to adjust, modify or remove from the Premise any quick opening or closing valve or other device, the operation of which results in any unreasonable fluctuation in the pressure of the system.

E. Service Interruptions

It is the intention of the Authority to provide advance notice of interruption of the water supply. Such notice, however, is only a courtesy and not a requirement. The Authority may shut off the water mains for the purpose of making connections, alterations, repairs, changes or for other reasons at any time. Subscriber's buildings shall have internal facilities and/or plumbing fixtures which will not be damaged if water mains are shut off without notice.

F. Water Rationing

The Authority may restrict the use of its potable water to reserve a sufficient supply as the public health and/or public welfare may, from time to time, require. The Authority shall have sole discretion in determining when such restrictions are required.

5.5 Public Fire Hydrants

- A. Indemnification - The Authority does not guarantee fire flow in its systems and shall not be responsible for, nor considered in any manner to be an insurer of persons or property against injury, loss or damage by fire, water, failure to supply water or pressure, or any other cause whatsoever.
- B. Restrictions - Except as provided in 5.5.C. below, water from any public fire hydrant shall not be used for construction purposes, sprinkling streets, flushing sewers or gutters, or for any purpose other than the fighting of fires by County authorized units, unless specifically permitted by the Authority for a particular circumstance. Upon written request, the Authority may install supplemental public fire hydrants at the sole expense of any interested person.
- C. Use – Except for authorized emergency service personnel, all fire hydrant water use shall be permitted on a temporary basis where a permanent water connection is not available, subject to the terms and conditions established in this Section 5.5. Any use of fire hydrants hereunder shall be subject to a permit and the permit may be revoked at any time by the Authority where the public health, safety and welfare may be jeopardized.

D. Hydrant Meter Permit – Any person seeking the use of water from any fire hydrant must submit an application to the Authority on the forms established by the Authority from time to time.

1. Scope – Upon approval of the application for temporary use of a fire hydrant, the Authority shall issue a Hydrant Meter Permit to the applicant, the “Permit Holder”. The Hydrant Meter Permit shall be specific to the applied for fire hydrant only. Water shall be delivered through an approved hydrant meter which complies with the Authority’s Utilities Standards Manual. Hydrants are designated to minimize the effects that large withdrawals can have on the water supply system as well as avoid neighborhood disruptions and possible safety hazards that usage may cause.

All commercial backflow assemblies must be tested yearly. Therefore, all hydrant meter rental units shall be returned to the Authority for renewal of the hydrant meter account and for annual backflow testing. Each yearly rental must be renewed within the month of the original rental period. Failure to return the hydrant meter assembly at the end of the rental period will be considered theft of Authority property.

2. Operation of Hydrant Meter – The Permit Holder shall be responsible for any damage to the hydrant, the hydrant meter, or any associated infrastructure due to improper use of the hydrant. Meters shall not be tampered with in any way and any attempt to divert service through unauthorized connection shall be grounds for revocation of the Hydrant Meter Permit. The revocation of any permit shall be the basis of denial of any future Hydrant Meter Permit request by the Permit Holder. Broken or damaged meters must be reported to and returned to the Authority immediately. The Permit Holder shall be responsible for all costs of any necessary repairs to the meter, which shall be paid prior to its reinstallation. All hydrant meters shall be affixed with an inspection tag for the calendar year which shall not be tampered with or removed by the Permit Holder. Any tampering with the tag or the hydrant meter shall be grounds for the immediate termination of the permit. An Operator must be on-site at all times while the meter is connected to a fire hydrant.

3. Meter Readings – The Permit Holder will be billed on a monthly cycle by the Authority for all water usage according to the published fee schedule. The Permit Holder is responsible for providing a picture of the meter register dial showing usage to the Authority by the 15<sup>th</sup> day of each month for billing. A failure to report monthly readings shall result in the forfeiture of the Hydrant Meter Permit and any sums held as Meter Deposit for the hydrant meter. Readings can be submitted to the Authority by the following methods:

- Email to [customerservice@fcwsa.org](mailto:customerservice@fcwsa.org)
- Fax to (540) 347-7689
- Bring the hydrant meter into the Authority to be read

It is the responsibility of the Permit Holder to notify the Authority when the meter is not registering/recording the water usage. Any broken or leaking hydrant meter assembly shall be returned immediately to the Authority for repair.

4. Fees and Charges – All permitted hydrant meters shall be subject to the payment of fees, charges and deposits shown in Section 2.3.0 of Volume 2, Part B of this Operating Code.

Upon return of the hydrant meter assembly, deposits shall be refunded to the Permit Holder provided all of the following has occurred:

- Hydrant meter assembly has been returned in good working condition, with no excessive wear or damage.
  - Permit Holder has paid for any damaged and/or missing equipment.
  - All outstanding water usage and rental charges for the hydrant meter assembly have been paid in full by the Permit Holder.
5. Water Restrictions – In order to protect the water supply in times of emergency, all hydrant meters may be subject to immediate recall/return in the event of a Declaration of Drought Emergency under the Fauquier County Drought Ordinance.

No hydrant meter shall be used unless temperature are 35 degrees Fahrenheit or above and rising. When temperatures fall to 35 degrees Fahrenheit, the fire hydrant must be closed; the hydrant meter shall be disconnected from the hydrant and stored in an environment where temperatures are above 35 degrees Fahrenheit. Both the fire hydrant and hydrant meter can be damaged if used when temperatures are below freezing.

#### 5.6 Discontinuation of Water Service

The Authority may discontinue water service five (5) days after written notification, delivered by regular first-class mail to the last known address of record of the customer. When water service to a customer has been terminated, other than for the temporary vacancy of a Premise, it will be renewed only after the condition, circumstances, or practices which caused the water service to be discontinued are corrected to the satisfaction of the Authority and upon payment of all charges due and payable by the customer in accordance with these Rules and Regulations and the effective Volume 2, Part B - Schedule of Rates, Fees and Other Charges of the Authority's Operating Code.

Discontinuing the supply of water to a Premise for any reason shall not prevent the Authority from pursuing any lawful remedy for the collection of monies due from the customer. The Authority may discontinue service for any of the following reasons:

A. Account Delinquency

For the non-payment of any accounts for water service, sewer service or for any fee or charge accruing under these Rules and Regulations and the effective Volume 2, Part B - Schedule of Rates, Fees and Other Charges of the Authority's Operating Code.

B. Tampering

For molesting or tampering by the customer, or others with the knowledge of the customer, with any meters, connections, service pipe, curb cock, seal, fixture, or any other appliance of the Authority controlling, regulating or protecting the customer's water supply.

C. Backflow Prevention

If a required backflow prevention device, as required by Volume 2, Part C – Cross Connection Control Plan of the Authority's Operating Code is not installed when such is required or if the device is inoperative, has been bypassed or removed or if a cross-connection exists on the premises.

## 6. Use of Sanitary Sewerage Facilities

### 6.1 Discharge Prohibited Without Permit

Except as permitted in the Rules and Regulations and/or Pretreatment Regulations of the Authority, or under conditions specifically approved in writing by the Authority, no persons shall discharge any wastewater or sewage into the sanitary sewerage systems of the Authority, or its tributaries. All users shall first obtain a valid permit from the Authority allowing for said discharge of wastewater or sewage.

### 6.2 Grease, Oil and Sand Traps

The provisions of Volume 5, Part A - Utility Standards of the Authority's Operating Code shall apply.

### 6.3 Pre-Treatment

The provisions of Volume 2, Part D - Pre-Treatment Regulations of the Authority's Operating Code shall apply.

### 6.4 Violations - Penalties

Any person violating the provisions of Section 6.1 through 6.3 herein shall be guilty of a misdemeanor punishable by fine not exceeding \$1,000 or by imprisonment not exceeding twelve months or by both such fine and imprisonment. Each day such violation continues shall constitute a separate offense. The Authority, in addition to other remedies may institute an appropriate action or proceeding, at law or in equity, to prevent violation or attempted violation, to restrain, correct and abate such violation or to prevent any act which would constitute such a violation of the provisions of Section 6.1 herein.

### 6.5 Measuring Devices

Subscribers of Authority Sewer services, but using private water supplies, shall be required to install a water meter, at their own expense, of a type and in a location approved by the Authority, to be used for sewer billing. Subscribers of Authority water services using irrigation watering systems and/or other outdoor only water use systems, may elect to install a water meter, at their own expense, of a type and in a location approved by the Authority, to be used as a subtraction meter for their sewer billing.

### 6.6 Discontinuation of Sewer Service

The Authority may discontinue sewer service five (5) days after written notification, delivered by regular first-class mail to the last known address of record of the customer. Discontinuation may involve the physical removal of the customer's service lateral connection to the Authority's collection system. When sewer service to a customer has been terminated, other than for temporary vacancy of a Premise, it will be renewed only

after the conditions, circumstances, or practices which cause the water service to be discontinued are corrected to the satisfaction of the Authority and upon payment of all charges due and payable by the customer in accordance with these Rules and Regulations and the effective Volume 2, Part B - Schedule of Rates, Fees and Other Charges of the Authority's Operating Code. Discontinuing sewer service to a Premise for any reason shall not prevent the Authority from pursuing any lawful remedy for the collection of monies due from the customer.

## 7. Service Connection Allocation Requirements

### 7.1 General

#### A. Availability Fee

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

#### B. Availability Fee Determination

The Executive Director shall determine the meter size for all commercial and industrial uses by existing or planned fixture count, in accordance with the procedures set forth by the American Water Works Association AWWA Manual M-22, Sizing Water Service Lines and Meters, and as indicated by Figures 4-2 and 4-3 therein. All residential uses, including single family dwellings and dependencies located on one lot, townhouses, apartments and condominiums, shall be the same classification and shall be served by the minimum meter size established under Section 7.1 C. All multifamily residential structures shall require one residential meter per residential unit included; provided, however, that the Executive Director may determine a different meter size for a single meter to serve the entire building by using the procedures set forth in the AWWA Manual as referenced above. All fees required will be assessed at the time of application in accordance with Volume 2, Part B – Schedule of Rates, Fees and Other Charges of the Authority's Operating Code.

Notwithstanding the requirements of this section to determine meter sizes, all holders of residential meters of 5/8" as of December 1, 2017 shall be entitled to expand the fixture counts for existing residential structures or any expansions thereof without further payments of Availability Fees, provided that the residential property owner executes a waiver of rights against the Authority for damages on the forms adopted by the Executive Director.

#### C. Minimum Meter Size

The minimum meter size for any unit is 5/8" x 3/4".

#### D. Water Demand Charges

The Authority assesses a flat monthly fee that is added on to the monthly bill of any customer/account whose monthly water usage exceeds twice the adopted average monthly water consumption for the usage category associated with the size of the meter on the customer's water service.

#### E. Availability Fee Payment

- (1) Availability Fee Payment, by cash, check, extension of credit terms, establishes the Applicant's right to connect to the Authority's water and/or sewer system for all related Availability assigned to the Applicant's parcel of land.
- (2) Availability Fee Payment, by the establishment of an escrow account or the posting of an irrevocable letter of credit, the Applicant's right to connect to the Authority's water and/or sewer system for only the EMUs of Availability drawn from the escrow account or against the irrevocable letter of credit. The Authority shall draw down 1/12th of the full payment amount every 90 days or on an accelerated schedule as the Applicant may direct in writing, until the full payment amount is received. However, in no event, shall the duration of the escrow account or irrevocable letter of credit exceed 36 months.

F. Advance Availability Fee Payment

- (1) Advance Availability Fee Payment, by cash or check, establishes the Applicant's right to connect all EMUs of Advance Availability for which Advance Availability Fees have been paid to the Authority's water and/or sewer system, upon completion of the Authority's extension of services into the Service Area in which the Applicant's property is located.
- (2) Advance Availability Fee Payment, by the establishment of an escrow account or the posting of an irrevocable letter of credit, establishes the Applicant's right to connect only the EMUs of Advance Availability drawn from the escrow account or against the irrevocable letter of credit to the Authority's water and/or sewer system, upon completion of the Authority's extension of services into the Service District for which the Advance Availability was purchased. The draw down schedule and duration for the escrow account or irrevocable letter of credit shall be negotiated by separate agreement between the Applicant and the Authority on a case-by-case basis.

G. Availability Fee Extension of Credit Terms

The Authority will only extend credit terms to individuals with existing homes where the drain field or well has failed, for the payment of Availability Fees. Such credit will not exceed 48-months at an interest rate in accordance with its effective Volume 2, Part B - Schedule of Rates, Fees, and Other Charges of the Authority's Operating Code.

H. Availability Reservation

Availability is assigned on a first come, first serve basis. However, the Authority reserves the right to limit the assignment of Availability when in its sole

determination, the safety of the system, economy of operation or public health so warrants.

I. Availability Assignment

Availability is designated for and tied to a specific parcel of land and is not transferable. Said parcel(s) shall be located within the boundaries of the respective Service Areas.

J. Connection Period

Availability gives the Applicant a right to connect a specific property owned by the Applicant to the Authority's water and/or sewer system upon demand within the first 60 months following the date of purchase of the Availability. After 60 months:

- At the sole discretion of the Authority, the Authority has the option but not the obligation, to discontinue its assignment of any unconnected Availability by the refund of the original Availability Fees, paid at assignment, to the then property owner. Where there is no Authority record of the original Availability Fees paid, the Authority may exercise its right to discontinue assignment by estimating the original Availability Fees based on available records.
- If the Authority does not exercise its right to discontinue assignment, and availability is not currently for sale by the Authority in the Service District, a property owner may enter into a written agreement with the Authority to simultaneously relinquish any unconnected Availability to the Authority, without refund or compensation, and purchase new Availability assigned to another property in the Service District if the following conditions are met:
  - The Property Owner shall have maintained controlling ownership interest in the property from which the Availability is relinquished for the 60 months immediately prior to agreement execution and shall have controlling ownership interest in the property to which the newly purchased Availability is assigned.
  - Amount of new Availability purchased shall not exceed the amount of unconnected Availability relinquished.
  - All existing unconnected Availability from the original property shall be relinquished.
  - Owner shall pay the current Availability Fees and Availability Fee Surcharges (if applicable) in effect at time of Agreement execution for assignment of new Availability.

K. Non-Refundability

Effective January 1, 1997, Availability Fees are not refundable. However, the Authority will refund without interest, within 30 days from the date the Authority authorizes the refund, 90% of any unconnected EMUs of Availability for which Availability Fees were paid prior to January 1, 1997.

L. Purchase Timing

An Applicant may pay Availability Fees at any time but shall be paid in full prior to the Authority's approval for a building permit release.

M. Base Service Fees

Monthly Base Service Fees are charged for each EMU Of assigned Availability, beginning upon receipt of the Availability Fee. Monthly Base Service Fees are charged to each EMU of Advance Availability upon completion of the Authority's extension of services into the Service Area in which the Applicant's property is located. Monthly Base Service Fees are not refundable.

N. Availability Default

The Authority will remove without reimbursement, its assignment of Availability if the Applicant is in arrears of the Base Service Fee in excess of ninety days. Once removed, Availability may be reassigned to a parcel only through the payment of new Availability Fees at the then existing rates.

O. Relinquishing Unconnected Availability

The Applicant may, at their discretion upon execution of the necessary release forms and with the concurrence of the Authority, relinquish all or a portion of their unconnected assignment of Availability without reimbursement, further cost or obligation to the Authority.

P. Relinquishing Connected Availability

The Applicant may, at their discretion upon execution of the necessary release forms and with the concurrence of the Authority, disconnect all of or a portion of their connected assignment of Availability from the system and with field verification that no continued connection exists, relinquish all or a portion of their connected assignment of Availability without reimbursement, further cost or liability to the Authority.

7.2 Residential

- A. The entirety of Section 7.1 shall apply to Residential properties.
- B. All residential units on the same parcel and under the same ownership may be served by one meter sized in accordance with Table 3-C-3 of Volume 3, Part C - Developer Services Procedures of the Authority's Operating Code.
- C. Each residential unit on the same parcel but under different ownership shall be individually metered.

### 7.3 Commercial

- A. The entirety of Section 7.1 and 7.2 shall apply to commercial properties.
- B. Apartment buildings and condominiums are classified as commercial properties for purposes of the allocation of water/sewer service and billing. Each individual apartment building is required to have one master water meter for the entire building. The meter will be used for purposes of tracking water usage and for billing the owner of the building for water and sewer service. The owner of the apartment building or condominium will be billed monthly for water and sewer service to the building and will be fully responsible for payment.
- C. Other commercial properties will require at least one water meter for each building or for each parcel whichever is greater. The total number of meters and the respective sizes for each commercial property will be determined by the Authority using available data, professional judgment and Table 3-C-3 of Volume 3, Part C - Services Procedures of the Authority's Operating Code. The owner of each commercial building will be billed monthly for water and sewer service to the building and will be fully responsible for payment.
- E. Each commercial building on a parcel shall be separately metered.

### Allocation Examples

Note: The following table provides examples of the minimum number of individual water meters required to serve each parcel of land as defined by the Fauquier County Tax Maps. At least one meter is required for each parcel to be served. Meter size is as determined by Table 3-C-3 of Volume 3, Part C - Services Procedures of the Authority's Operating Code.

<b>Unit Type</b>	<b>Minimum Meter Requirements</b>
1. Single Family Dwelling (SFD)	1-meter
2. SFD + Guest Cottage	1 meter
3. SFD + Any commercial building	1 meter for house + 1 meter for each commercial building
4. Apartment Complex	1 meter per building
5. Townhouses	1 meter per townhouse
6. Condominiums	1 meter per building
7. Shopping Center	1 meter per building

## 8. Oversizing Policy

### 8.1 Definition

Applicants may be required to build infrastructure or facilities sized in excess ("oversizing") of the immediate needs of their specific subdivisions or projects, but in accordance with the requirements of Master Planning or other considerations determined by the Authority.

### 8.2 Authority Actions

The Authority may, at the request of the Applicant:

#### A. Reimbursement Authority

Reimburse the Applicant for the excess costs resultant from required "oversizing";

#### B. Developer's Agreement

Execute a Developer's Agreement with the applicant, specifying the terms and conditions of the oversizing agreement.

#### C. Incremental Costs

Reimburse the Applicant only for the incremental costs of the additional capacity created as verified by invoices and supporting documentation.

#### D. Proportional Reimbursement

Reimburse only a proportional share of Availability Fee revenues resulting from actual sales of the additional capacity created in the designated area to be served.

#### E. Ten Year Limitation

Continue reimbursement for a period of no longer than ten years after the infrastructure has been deeded to the Authority or until full repayment of the oversizing has been obtained.