

City of Richmond, Virginia
Department of Public Utilities Rules and Regulations

Non-City Water Use Program

Adopted Effective _____, 20__

1. Scope and Purpose.

The purpose of these rules and regulations is to implement the non-City water use program. The non-City water use program is intended to facilitate the safe and efficient use of non-City water, such as rainwater, for conservation purposes, namely flushing toilets and carrying wastewater and sewage to the City sewer system or an individual sewage disposal system from buildings with a City water connection. Upon approval of an application pursuant to these rules and regulations, but not before, non-City water may be used to carry wastewater and sewage to the City sewer system.

2. Authority.

City Code Sections 28-72, 28-388, and 28-710 allow the Director to promulgate rules and regulations pursuant to City Code Section 28-26 governing the use, in buildings with a City water connection, of non-City water to flush toilets and carry wastewater and sewage to the City sewer system or an individual sewage disposal system.

3. Applicability of these Rules and Regulations.

These rules and regulations apply to all buildings within the City to which a City water connection has been made, or is required by City Code Sections 28-72(1) and 28-388(1).

4. Definitions.

For purposes of these rules and regulations, the following definitions shall apply:

City: City of Richmond, Virginia.

City Code: The Code of the City of Richmond, Virginia.

City sewer system: The sewer system owned by the City of Richmond, Virginia and operated by the City's Department of Public Utilities, which collects and transports wastewater from multiple sources to the City's Wastewater Treatment Plant.

City water: Potable water provided through the City water system before its outflow from a faucet, spigot, or other terminal fixture.

City water connection: A connection from a City water main for the provision of water service to a City Department of Public Utilities customer.

City water system: The potable water system owned by the City of Richmond, Virginia and operated by the City's Department of Public Utilities, which treats and transports safe drinking water from treatment and storage facilities to the City's water customers in accordance with the terms and conditions of the applicable permit(s) issued by the Virginia Department of Health.

Department: City of Richmond Department of Public Utilities.

Director: The Director of the City of Richmond's Department of Public Utilities, or the Director's designee.

Individual sewage disposal system: Any sewage disposal system not operated by the City or any other public or private utility.

Non-City water: Water from sources other than the City water system.

Non-City water facility (facilities): Components owned and maintained by the non-City water user which collect and store non-City water, which convey non-City water to the City sewer system or an individual sewage disposal system, and which ensure the safety of the City water system, e.g., backflow preventers. Non-City water facilities shall also include components which measure and transmit non-City water data (see definition of "non-City water meter") when required by these rules and regulations.

Non-City water meter: A water meter and encoder receiver transmitter (ERT) that measures the amount of non-City water entering the City sewer system from the user's non-City water facility and which meets the requirements of the Non-City Water, Cooling-Tower, or Irrigation Sub-Metering Permit Application.

Non-City water user (users): The owner of a property with a non-City water facility.

Non-residential water use: Water use for any structure other than those listed in the definition for residential water use. Non-residential water use structures include, but are not limited to, commercial, industrial, governmental, and multi-family residential buildings other than owner-occupied duplexes and nonprofit facilities that provide transitional housing for residential use on a regular basis by homeless persons.

Residential water use: Water use at an individual residence, owner-occupied duplex, or nonprofit facility that provides transitional housing for residential use on a regular basis by homeless persons.

5. Eligibility Requirements.

- a. **Eligible building.** Any structure within the City to which a City water connection has been made, or is required by City Code Sections 28-72(1) and 28-388(1).
- b. **Eligible non-City water facility.** Any non-City water facility that is permitted by the City's Bureau of Permits and Inspections and that meets all applicable laws, regulations, and codes.

6. Non-City Water User Requirements.

In order to participate in the non-City water use program, the non-City water user must meet the following eligibility requirements:

- a. The non-City water facility shall not allow for cross contamination of non-City water with any pipes, service lines, or mains transporting City water and shall include a backflow preventer that meets all applicable City standards upon installation and regular inspection.
- b. Non-City water users discharging into the City sewer system shall meet all the requirements in Article VI, Wastewater, Sewers, and Collections Systems, of Chapter 28, of City Code. Non-City water users discharging into an individual sewage disposal system shall meet all Virginia Department of Health requirements applicable to such system.
- c. All components of a non-City water facility shall be maintained in such working order as designed and as permitted by the City's Bureau of Permits and Inspections and in accordance with the Virginia Rainwater Harvesting & Use Guidelines dated March 31, 2011 and developed by the Virginia Department of Health and any other applicable laws, regulations, and codes.
- d. The non-City water facility shall not be modified to accept any additional water source, or be redesigned, or reconfigured, without the approval of the City's Bureau of Permits and Inspections. Notice of the approval of any such modification, redesign or reconfiguration must be provided to the Department.
- e. Non-City water users' utility service accounts shall be current and with no arrears.
- f. The non-City water user shall release any claims of liability against the City related to a non-City water facility. The non-City water user shall further indemnify the City for any claim or action arising from a non-City water facility.

7. Applicable Sewer Service Charges for Non-City Water Entering City Sewer System.

The Director shall bill the non-City water user monthly for the sewer service charge associated with the discharge from the non-City water facility to the City sewer system. The Director shall determine the discharge volume by one of the two, alternative methods described in this section 7. The rate charged shall be the applicable sewer service rate set in City Code and is, therefore, subject to change. Notwithstanding any provision of this section 7, single family residential non-City water users may choose to be assessed the same flat rate, as determined by the Director, or such users may choose either of the two billing methods described in this section 7. The amount assessed pursuant to this section 7 shall be billed in addition to any other applicable sewer charges.

- a. The Director may determine the non-City water facility discharge volume based on: (i) the estimated average wastewater discharge anticipated from those plumbing fixtures that would be supplied by the non-City water facility and (ii) the estimated average volume of the non-City water source. Such estimated non-City water facility discharge volume will be multiplied by the applicable wastewater monthly volume charge, which is prescribed by City Code Sections 28-650 through 654, to determine the non-City water user's non-City water sewer service charge. In order to be eligible for a sewer charge based on an estimated discharge volume under this section 7.a., the non-City water user shall complete the Facility Specification portion of the non-City water use program application.
- b. The Director may determine the non-City water facility discharge volume based on non-City water meter data. Such estimated non-City water facility discharge volume will be multiplied by the applicable wastewater monthly volume charge, which is prescribed by City Code Sections 28-650 through 654, to determine the non-City water user's non-City water sewer service charge. In order to be eligible for a sewer charge based on a metered discharge volume, the non-City water user shall submit a Non-City Water, Cooling-Tower, or Irrigation Sub-Metering Permit Application and comply with all applicable terms thereunder to ensure a non-City water meter is in place and properly functioning.

8. Procedures for Applying to the Non-City Water Use Program.

Non-City water use program application forms and other necessary forms shall be made available by the Director upon request by interested individuals and after visits by Department personnel to eligible buildings.

9. Application Review.

Owners of eligible buildings desiring to apply for the non-City water use program must submit: (i) a fully and properly completed application, on a form prescribed by the Director; and (ii) a completed Non-City Water, Cooling-Tower, or Irrigation Sub-Metering Permit Application, if required by the Director, on forms

prescribed by the Director. The application may include any other information that the owner believes would assist the Department in considering the application with respect to the proposed non-City water facility. The owner shall confirm that the representations in the application for the non-City water use program, and in any other related documentation submitted by the owner to the Department, are true and complete to the best of the owner's knowledge and belief.

Once an application is received, the Department shall review the application and all other information submitted by the owner, and shall conduct such research and analysis as appropriate to evaluate whether the proposed non-City water facility meets all applicable requirements and guarantees the safety of City water.

If the application is denied, the owner shall be notified of the denial and of the grounds for the denial. The owner may choose to address the grounds for denial and reapply. If the application is approved, the owner shall be notified of the approval and shall be allowed to connect the non-City water facility to the City sewer system or the individual sewage disposal system. If a non-City water meter is required by the Director, the owner shall wait to connect the non-City water facility to the City sewer system until confirmation from the Department that the non-City water meter is operational. Backflow verification by DPU Cross Connection staff shall be identified prior to installation of a non-City water meter. The Director shall then begin including the applicable sewer service charge on the non-City water user's sewer bill.

10. Liability.

The City shall have no liability whatsoever with respect to the installation, operation, maintenance or inspection of non-City water facilities. The City makes no warranties, either expressed or implied, concerning the savings to be obtained by the non-City water user.

11. Grounds for non-City water facility disconnection and removal.

The Director shall have the authority to order the disconnection of any non-City water facility from the City sewer system upon ten (10) days' notice that (i) the non-City water facility is not in compliance with these rules and regulations, or (ii) the property's Department bill is past due for any utility pursuant to City Code Section 28-57. The Director shall also have the authority to order the immediate disconnection or removal of any non-City water facility to any extent necessary to prevent or cease the cross contamination of non-City water with any pipes, service lines, or mains transporting City water.

11. Special Provisions.

Nothing in these rules and regulations shall be construed to limit or alter the Director's discretion or authority, as otherwise required or permitted by law.

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These rules and regulations shall become effective _____, 20____, and at that time shall supersede in their entirety and to the extent necessary, any and all other conflicting Department rules, regulations, policies, and guidelines.

Approved: _____
April Bingham, Director of Public Utilities

Date: _____

Approved as to Form: _____
Donnie Autry, Assistant City Attorney