

**CITY OF LYNCHBURG**  
**DEPARTMENT OF UTILITIES**  
**SEWER BILL ADJUSTMENT PROGRAM**

**January 2010**

**Approved: Timothy A. Mitchell**

**Director of Utilities**

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## **SECTION 1 – PROGRAM AUTHORITY AND SUMMARY**

Prior to April 1, 2004, the City of Lynchburg Code Section 34-14 enabled industrial and commercial customers to apply for relief from the sewer rate contained in Section 34-12.1 for water not returned to sewer for treatment. The code was amended and reenacted effective April 1, 2004, to extend eligibility to institutional customers and to owners of previously ineligible equipment that returns little or no water to sewer. Additionally, the code authorizes the establishment of this sewer bill adjustment program.

Customers may apply for relief using the Annual Method – Adjustment by Record Keeping or the Monthly Method – Adjustment by Water-Only Metering.

The Annual Method requires the customer to install an on-site system consisting of piping, metering, backflow prevention, and other appurtenances designed to determine the amount of water not returned to sewer. The customer is required to submit billing records for the past year and records proving the amount of water not returned to sewer for the past year. The Utilities Department reviews these records and computes the rate adjustment. The Billings and Collections Division modifies the customer's account billing program accordingly. The Customer is billed monthly using the adjusted sewer rate for 12 months beginning July of each year.

The Monthly Method requires the customer to install a similar system, except that the Utilities Department installs a City-owned water-only meter at the curb within the right of way. The Utilities Department reads the meter and the customer is billed monthly.

The elements of the program are:

1. Section 34-14 of the City of Lynchburg City Code;
2. Regulations;
3. Fees;
4. Application procedures; and
5. Administrative procedures and forms for processing applications, performing inspections, record keeping, and internal and customer communications.

## SECTION 2 – CITY CODE SECTIONS 34-12.1 AND 34-14

### Section 34-12.1. Schedule of sewer rates. (Excerpt)

- (a) The monthly sewer rates for all customers within the city shall be \$\_\_\_\_\_ per h.c.f.<sup>1</sup> of water provided, however, the rate of any of any party discharging industrial waste or processed water into the city system pursuant to an individual contract shall be as provided in such contract.

<sup>1</sup>The current rate per h.c.f (hundred cubic feet) can be found at [www.lyncburgva.gov/City Departments/City Council/Manager/Lynchburg City Code/Chapter 34/Section 34-12.1\(a\)](http://www.lyncburgva.gov/City%20Departments/City%20Council/Manager/Lynchburg%20City%20Code/Chapter%2034/Section%2034-12.1(a)).

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### Sec. 34-14. Adjustments to sewer bill.

- (a) The amount of sewage billed at the rates contained in Section 34-12.1 shall be based on the amount of water consumed for the billing period unless contracts for the treatment of industrial wastes provide for specific terms to the contrary. Industrial, commercial, or institutional customers may apply for relief to provisions of Section 34-12.1 on an annual basis provided that ample documentation is provided by March 1 of each year to the director of utilities, or his/her designee, to show that water consumed is not returned to the collection system to be treated as waste at the waste treatment plant. Alternatively, industrial, commercial, or institutional customers may apply for relief through the installation of city-owned water-only meters for uses that return little or no water to the collection system.
- (b) All sewer bill adjustment systems intended to determine the amount of water not returned to sewer shall be designed, installed, operated, and maintained in accordance with the City of Lynchburg sewer bill adjustment program. Copies of the program shall be filed with the director of utilities, or his/her designee, and shall be made available to any customer who wishes to see them.

Effective April 1, 2004

## SECTION 3 – SEWER BILL ADJUSTMENT REGULATIONS

### **Application for Sewer Bill Adjustment**

1. Any industrial, commercial, or institutional Customer seeking to obtain relief to the provisions of City Code Section 34-12.1 shall make application using the Sewer Bill Adjustment Application provided by the City. The Customer may apply for relief using the Annual Method – Adjustment by Record Keeping or the Monthly Method – Adjustment by Water-Only Metering.
2. Annual Method – Adjustment by Record Keeping: The Customer shall initially submit a Sewer Bill Adjustment Application for approval to construct and operate a Sewer Bill Adjustment System to be located on the Customer's property and consisting of piping, metering, backflow prevention, and other appurtenances designed to determine the amount of water not returned to sewer. The Customer shall construct, own, operate, and maintain the System.

Additionally, the Customer shall submit annually by March 1 of each year an Application for Annual Adjustment. Upon approval by the Utilities Department, the sewer bill will be adjusted for a period of one year beginning the following July.

3. Monthly Method – Adjustment by Water-Only Metering: The Customer shall initially submit a Sewer Bill Adjustment Application for approval to construct and operate a Sewer Bill Adjustment System to be located on the Customer's property and consisting of piping, backflow prevention, and other appurtenances designed to determine the amount of water not returned to sewer. The Customer shall construct, own, operate, and maintain the portion of the System located on the Customer's property.

The Sewer Bill Adjustment Application shall state whether the System is a Partial-Return System that returns a portion of the water consumed to sewer or a Zero-Return System that returns none of the water consumed to sewer. The default and minimum return percentage for a Partial-Return System is 10%; however, the Utilities Department may establish a higher return rate for any specific Partial-Return System.

The Utilities Department, upon approval of the Sewer Bill Adjustment Application, shall establish a special water-only account and install and maintain a City-owned water-only meter at the curb within the City's right of way in accordance with City Code Section 39.27. The Utilities Department shall read the meter and bill the Customer monthly.

4. Monthly Method – Adjustment by Water-Only Metering for Irrigation: A Customer applying for an Irrigation-Only System with a service 1-inch or less in diameter or having a site plan, including an irrigation system, that has previously been approved by the City of Lynchburg Technical Review Committee shall submit a Water Connection Application, including an Irrigation-Only Certification. The Customer

shall construct, own, operate, and maintain the portion of the System located on the Customer's property.

The Utilities Department, upon approval of the Application, shall establish a special water-only account and install and maintain a City-owned water-only meter at the curb within the City's right of way in accordance with City Code Section 39.27. The Utilities Department shall read the meter and bill the Customer monthly.

### **Sewer Bill Adjustment Fees and Charges**

5. Customers using the Annual Method – Adjustment by Record Keeping:
  - (a) Shall remit a fee of \$800 with the Application to Construct and Operate a Sewer Bill Adjustment System.
  - (b) Shall remit a fee of \$600 with the Application for Annual Adjustment.
  - (c) Shall be billed monthly for sewer at a percentage of the sewer rate contained in Section 34-12.1 as determined by the Utilities Department.
6. Customers using the Monthly Method – Adjustment by Water-Only Metering that return some of the water to sewer (Partial-Return):
  - (a) Shall remit a fee of \$800 plus availability and meter installation fees in accordance with Section 39-27 with the Application to Construct and Operate a Sewer Bill Adjustment System.
  - (b) Shall be billed monthly for sewer at a minimum of 10% of the rate contained in Section 34-12.1 for water returned to sewer, plus an inspection surcharge of \$16.00.
7. Customers using the Monthly Method – Adjustment by Water-Only Metering that return none of the water consumed to sewer (Zero-Return):
  - (a) Shall remit a fee of \$400 plus availability and meter installation fees in accordance with Section 39-27 with the Application to Construct and Operate a Sewer Bill Adjustment System.
  - (b) Shall be billed monthly for sewer for an inspection surcharge of \$16.00.
8. Customers using the Monthly Method – Adjustment by Water-Only Metering for Irrigation-Only Systems with One-Inch or Less Service Connection or Site Plan Including Irrigation Previously Approved by the City Technical Review Committee:
  - (a) Shall remit availability and meter installation fees in accordance with Section 39-27 with the Water Connection Application.

(b) Shall be billed monthly for sewer for an inspection surcharge of \$16.00.

**Annual Method Special Conditions**

9. On Site Records: The Customer shall maintain the following records:

- (a) Copies of all Applications and amendments;
- (b) Training records;
- (c) Meter maintenance and calibration records; and
- (d) Metering data as necessary to demonstrate compliance with the provisions of Section 34-14 and the approved Application. The content and format of such records shall be arranged with the Utilities Department.
- (e) These records shall be available for inspection by the Utilities Department and shall be current for the most recent five years, if applicable.

10. Metering Equipment: Metering equipment sizes, brands, and models shall be as approved by the Utilities Department. Meters shall be installed in the horizontal position with the register upright, unless otherwise approved by the Utilities Department.

11. Maintenance/Operating Procedures: The Customer shall take the following measures in order to minimize meter malfunction and prevent unauthorized connection to the system:

- (a) Test and calibrate all meters annually;
- (b) Maintain an inventory of spare parts;
- (c) Have available written equipment operating procedures. These procedures shall be based on the manufacturer's recommendations, at a minimum;
- (d) Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures; and
- (e) Train all operators and maintenance personnel in the location of System piping and the prohibition of unauthorized connections.

**Monthly Method Special Conditions**

12. On Site Records - The Customer shall maintain the following records:

- (a) Copies of all Applications and amendments; and

(b) Training records.

(c) These records shall be available for inspection by the Utilities Department and shall be current for the most recent five years, if applicable.

13. Maintenance/Operating Procedures - The Customer shall take the following measures in order to prevent unauthorized connection to the system:

(a) Train all operators and maintenance personnel in the location of system piping and the prohibition of unauthorized connections.

### **General Conditions**

14. Approved Construction: The System shall be constructed and operated as represented in the Application and approved by the Utilities Department. Deviations from the approved construction and operation or failure to properly notify the Utilities Department of changes in the System that alter the effectiveness or accuracy of the System may result in penalties provided by City Code and suspension or revocation of relief to the provisions of Section 34-12.1.

15. Existing Systems or Systems Constructed Prior to Approval - Existing Systems or Systems constructed prior to approval shall be modified at the Customer's expense to meet the requirements of the Regulations and the Utilities Department.

16. Right of Entry - The Customer shall allow authorized Utilities Department representatives:

(a) To enter upon the Customer's premises on which the System is located or in which any records are kept under the terms and conditions of these Regulations;

(b) To have access to and copy at reasonable times any records required to be kept under the terms and conditions of these Regulations;

(c) To inspect at reasonable times any system, equipment, or process subject to the terms and conditions of these Regulations; and

(d) To sample or test any system, equipment, or process at reasonable times.

(e) For purposes of this condition, the time for inspection shall be deemed reasonable during regular business hours or whenever the facility is in operation.

17. Notification of System Malfunction - The Customer shall notify the Utilities Department by facsimile transmission or telephone of malfunctions of the System that may cause erroneous measurement for more than one day. Such notification shall be made as soon as practicable but not later than four daytime business hours after the malfunction. The Customer shall provide a written statement giving all pertinent



facts, including the estimated duration of the breakdown, within 14 days of the occurrence. When the condition causing the failure or malfunction has been corrected and the System is again in operation, the Customer shall notify the Utilities Department in writing.

18. Notification of Change - The Customer shall notify the Utilities Department of any change in the System as represented in the Application 30 days prior to making the change.
19. Unauthorized Connections - Any connection to the System other than those listed in the Application is prohibited.
20. Backflow Prevention - The System shall contain backflow prevention devices as required by City Code Section 39-97 through 39-104.
21. Piping System Location and Identification - The Customer shall mark the location and maintain accurate drawings of all underground piping on the Customer's property. The Customer shall color code and label all exposed piping with the words "Special Billing – Do Not Connect" such that the piping can be readily identified and traced.
22. Penalties/Suspension/Revocation – Failure to comply may result in penalties provided by City Code and suspension or revocation of relief from the provisions of Section 34-12.1 if the Customer:
  - (a) Knowingly makes material misstatements in the Application or any amendments to it;
  - (b) Fails to comply with the terms and conditions of the Regulations; or
  - (c) Fails to construct, modify, or operate the System in accordance with the approved Application or any amendments to it.
24. Change of Ownership - In the case of a transfer of ownership of the property, the new owner shall be bound by the Regulations and the approved Application. The new owner shall notify the Utilities Department of the change in ownership within 30 days of the transfer.
25. Deductive Meters – Meters located on the Customer's property downstream of the main meter for the purpose of metering water-only uses and deducting those meter readings from the main meter reading on a monthly basis are prohibited.

END OF REGULATIONS

## SECTION 4 - FEES AND MONTHLY BILLING

### **Application and Inspection Fees**

Fees are established to recover the costs of processing applications, setting up and programming special accounts, and making periodic inspections of the facilities. The fees do not recover the costs of customer service, general administration, appeals, equipment malfunction, and noncompliance.

Method	Application to Construct and Operate or Significant Amendment to Application	Availability and Connection Fees	Annual or Monthly
Annual Method - Adjustment By Record Keeping	\$800 With Application to Construct and Operate	NA	\$600 With Application for Annual Adjustment
Monthly Method - Adjustment by Water-Only Metering - Partial-Return	\$800 With Application to Construct and Operate	According to Code Section 39-27 With Application to Construct and Operate	\$16.00 Per Month Sewer Bill Surcharge
Monthly Method - Adjustment by Water-Only Metering - Zero-Return	\$400 With Application to Construct and Operate	According to Code Section 39-27 With Application to Construct and Operate	\$16.00 Per Month Sewer Bill Surcharge
Monthly Method - Adjustment by Water-Only Metering - Irrigation-Only Services One-Inch or Less or Prior TRC Site Plan Approval	None	According to Code Section 39-27 With Water Connection Application	\$16.00 Per Month Sewer Bill Surcharge

All fees are nonrefundable and are due as indicated in the above table.

## Monthly Billing

<b>Monthly Sewer Bill</b>	
Method	Computation of Bill
Annual Method – Adjustment By Record Keeping	<p>Sewer Bill = Water Consumed X Adjusted Rate</p> <p>Adjusted Rate = ((Water Consumed Annually – Water Not Returned to Sewer Annually) / Water Consumed Annually) X Section 34-12.1 Sewer Rate</p>
Monthly Method – Adjustment by Water- Only Metering – Partial-Return	<p>Sewer Bill = Water Consumed X (10% X Section 34-12.1 Sewer Rate) + \$16.00<sup>1</sup></p> <p><sup>1</sup>10% is established as the default percentage for cooling towers and boilers, and the minimum partial-return system surcharge. This percentage may be increased as determined by the Utilities Department for any specific partial-return system.</p>
Monthly Method – Adjustment by Water- Only Metering - Zero- Return	Sewer Bill = \$16.00
Monthly Method - Adjustment by Water- Only Metering - Irrigation-Only Service One-Inch or Less or Prior TRC Site Plan Approval	Sewer Bill = \$16.00

**F-100 SEWER BILL ADJUSTMENT APPLICATION  
APPLICATION AND INSTRUCTIONS TO APPLICANTS**

Applicant: \_\_\_\_\_

Applicant's Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Facility Location if Different: \_\_\_\_\_

I certify that I am duly authorized to act on behalf of the applicant for this matter. I have read, understand, and accept the legal authority of the Lynchburg Sewer Bill Adjustment Regulations, and hereby agree to abide by those Regulations.

I certify that this document and all attachments were prepared under my direction and supervision with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true accurate, and complete.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Title: \_\_\_\_\_ email: \_\_\_\_\_

Reason for Submitting: (Check one.)

Annual Method – Adjustment by Record Keeping (Submit Part 1.)  
Application to Construct and Operate

Annual Method – Adjustment by Record Keeping (Submit Part 2.)  
Application for Annual Adjustment

Monthly Method – Adjustment by Water-Only Metering (Submit Part 3.)  
Application to Construct and Operate (Partial-Return)

Monthly Method – Adjustment by Water-Only Metering (Submit Part 3.)  
Application to Construct and Operate (Zero-Return)

**Part 1 – Application for Approval to Construct and Operate for the  
Annual Method - Adjustment by Record Keeping**

Submit the following information:

- a. A site drawing showing the location of metering equipment and water using equipment or processes included in the application;
  - b. Drawings or captioned or annotated digital photographs of the System piping;
  - c. A description and water use characteristics of each piece of equipment or process connected to the System, including a determination of water returned to sewer;
  - d. The size, make, and model of metering equipment; and
  - e. A description of backflow prevention equipment.
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**Part 2 - Application for Annual Adjustment for the  
Annual Method - Adjustment by Record Keeping**

Submit the following information:

- a. An acceptable study of water use signed by a professional engineer; or
  - b. flow information from the past year that shows total water billed to the facility and total measured flow returned to the sewer from the facility (master sewer meter); or
  - c. flow information from the past year that shows total water billed to the facility from all City-owned meters and metered flow not returned to sewer; and
  - d. Flow information accounting for any residual water returned to sewer from any process.
  - e. Documentation proving that each meter is accurate and working properly; and
  - f. Copies of the monthly water bills from the past year for all City meters serving the facility.
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**Part 3 – Application for Approval to Construct and Operate for the  
Monthly Method - Adjustment by Water-Only Metering**

Submit the following information:

- a. A site drawing showing the location of underground System piping;
- b. Drawings or captioned or annotated digital photographs of the System piping;
- c. A description and water use characteristics of each piece of equipment or process connected to the System, including a determination of water returned to sewer; and
- d. A description of backflow prevention equipment.

**Submitting Applications and Fees**

Submit all applications and fees (payable to City of Lynchburg) to William S. Shenk, P.E., Utilities Department - City of Lynchburg, 525 Taylor Street, Lynchburg, VA 24501.

## **Information for Applicants**

The Utilities Department administers City Section 34-14 by annual and monthly methods.

**Annual Method – Adjustment by Record Keeping.** This method is usually used when the Monthly Method – Adjustment by Water-Only Metering is not feasible or when the customer already operates a system for accurately metering process water or plans to construct such a system. The customer owns, maintains, and reads the meters that are located on the property. The customer is responsible for meter maintenance and calibration, record keeping, and reporting. The customer submits records annually and the sewer bill is adjusted accordingly for a period of one year.

**Monthly Method – Adjustment by Water-Only Metering.** This method is usually used when it is feasible to install a meter at the curb and extend dedicated piping to the point or points of use. The meter is installed, owned, maintained, and read by the City. The City establishes a special water-only account and bills monthly. The Customer installs, owns, and maintains the on-site System.

Applicants may choose the Annual Method or the Monthly Method. Contact the Utilities Department at 455-4250 for assistance in preparing the application.

## **Instruction to Applicants**

### Annual Method – Adjustment by Record Keeping

1. Before beginning construction, apply for approval to Construct and Operate a Sewer Bill Adjustment System by submitting Application Part 1. Refer to the Fee Schedule and remit the appropriate fee with the Application.
2. The Utilities Department will review your Application Part 1 and upon approval issue a Letter of Approval to Construct and Operate the System. You will be responsible for constructing and operating the System on the property as represented in the Application and as required by the Regulations.
3. By March 1 of each year, apply for an Annual Adjustment by submitting Application Part 2. Refer to the Fee Schedule and remit the appropriate fee with the Application.

The Utilities Department will review your Application Part 2 and upon approval issue an Annual Adjustment Notification Letter. Your Adjusted Sewer Rate is computed as follows:  
Adjusted Sewer Rate = ((Water Consumed Annually – Water Not Returned to Sewer Annually) / Water Consumed Annually) X Code Section 34.12.1 Sewer Rate.

4. The Billings and Collections Division will modify the account automated billing program accordingly, and you will be billed monthly for sewer at the Adjusted Sewer Rate for a period of 12 months beginning the following July.

Monthly Method –Adjustment by Water-Only Metering

1. Before beginning construction, apply for a Permit to Construct and Operate a Sewer Bill Adjustment System by submitting Application Part 3. Refer to the Fee Schedule and remit the appropriate fee with the Application<sup>1</sup>.
2. In preparing the Application, you must indicate whether the water using equipment or process is:
  - a. Partial-Return that returns some of the water to sewer (such as a cooling tower or boiler), or
  - b. Zero-Return that returns no water to sewer (such as an irrigation system).
3. The Utilities Department will review your Application and upon approval the City will establish a special water-only account, install a water-only meter at the curb, and issue a letter authorizing you to construct and operate the System. The City will be responsible for reading and maintaining the meter. You will be responsible for constructing and operating the System on the property as represented in the Application and as required by the Regulations.
4. You will be billed monthly for water at the prevailing water rate, plus a \$16.00 per month inspection surcharge. Additionally, a surcharge of at least 10% of the prevailing sewer rate will be applied to Partial-Return accounts.

**Fees**

Method	Application to Construct and Operate or Significant Amendment to Application	Annually or Monthly
Annual Method – Adjustment By Record Keeping	\$800. Remit With Application to Construct and Operate	\$600. Remit with Application for Annual Adjustment
Monthly Method – Adjustment by Water-Only Metering (Partial-Return)	\$800 Plus Availability Fee and Connection Fee According to Code Section 39-27. Remit With Application to Construct and Operate	\$16.00 Per Month Sewer Bill Surcharge
Monthly Method - Adjustment by Water-Only Metering - (Zero-Return)	\$400 Plus Availability Fee and Connection Fee According to Code Section 39-27. Remit with Application to Construct and Operate	\$16.00 Per Month Sewer Bill Surcharge

**Submitting Applications and Fees**

Submit all applications and fees (payable to City of Lynchburg) to William S. Shenk, P.E., Utilities Department - City of Lynchburg, 525 Taylor Street, Lynchburg, VA 24501.

<sup>1</sup> If the applicant is applying for an irrigation-only service one-inch or smaller, or has a site plan including an irrigation system that has been approved by the City of Lynchburg Technical Review Committee, the Applicant shall submit a Water Connection Application and an Irrigation-Only Certification.