

AN ORDINANCE TO:

REPEAL CHAPTER 21 WATER AND SEWAGE DISPOSAL OF THE FLUVANNA COUNTY CODE, IN ITS ENTIRETY, INCLUDING WITHOUT LIMITATION ARTICLE 1. – IN GENERAL BEING SECTION 21-1-1 THROUGH AND INCLUDING SECTION 21-1-6 AND ALL SUBPARTS THEREOF, ARTICLE 2. – CROSS-CONNECTIONS AND BACKFLOW PREVENTION BEING SECTION 21-2-1 THROUGH AND INCLUDING 21-2-7 AND ALL SUBPARTS THEREOF, ARTICLE 3. – LAND APPLICATION OF BIOSOLIDS BEING SECTION 21-3-1 THROUGH AND INCLUDING 21-3-5 AND ALL SUBPARTS THEREOF, ARTICLE 4. – PUBLIC SEWER INCLUDING ALL OF ITS SUBARTICLES, SUBARTICLE I. - GENERAL PROVISIONS, SUBARTICLE II. – DEFINITIONS, SUBARTICLE III. – USE OF FLUVANNA COUNTY’S TREATMENT WORKS AND TREATMENT FACILITY, SUBARTICLE IV. – BUILDING SEWERS AND CONNECTIONS, SUBARTICLE V. – CONDITIONS TO USE THE FLUVANNA COUNTY TREATMENT WORKS, SUBARTICLE VI. INDUSTRIAL DISCHARGERS, SUBARTICLE VII. – PRETREATMENT, SUBARTICLE VIII. WASTEWATER SERVICE, CHARGES AND INDUSTRIAL COST RECOVERY, SUBARTICLE IX. – ENFORCEMENT, AND SAID ARTICLE 4. – PUBLIC SEWER BEING SECTION 21-4-1 THROUGH AND INCLUDING SECTION 21-4-53 AND ALL SUBPARTS THEREOF; AND

TO ADOPT AND REENACT A REPLACEMENT ORDINANCE ENTITLED CHAPTER 21 WATER AND SEWAGE DISPOSAL OF THE FLUVANNA COUNTY CODE, IN ITS ENTIRETY, INCLUDING WITHOUT LIMITATION ARTICLE I. IN GENERAL BEING SECTION 21-1-1 THROUGH AND INCLUDING SECTION 21-1-17 AND ALL SUBPARTS THEREOF, ARTICLE II. WATER INCLUDING ALL OF ITS DIVISIONS, DIVISION 1. GENERALLY, DIVISION 2. WATER SHORTAGE, DIVISION 3. CHARGES, DIVISION 4. CONNECTIONS; METERS, DIVISION 5. CROSS-CONNECTION CONTROL; BACKFLOW PREVENTION, AND DIVISION 6. PRIVATE WATER SUPPLY, AND SAID ARTICLE II. WATER BEING SECTION 21-2-1 THROUGH AND INCLUDING SECTION 21-2-120 AND ALL SUBPARTS THEREOF, ARTICLE III. SEWAGE DISPOSAL SYSTEMS INCLUDING ALL OF ITS DIVISIONS, DIVISION 1. GENERALLY, DIVISION 2. CONNECTIONS; FEES, DIVISION 3. INDUSTRIAL PRETREATMENT, DIVISION 4. PRIVATE SYSTEMS GENERALLY, DIVISION 5. CONVENTIONAL ONSITE SEWAGE, DIVISION 6. RESIDENTIAL ALTERNATIVE ONSITE SEWAGE SYSTEMS, DIVISION 7. RESIDENTIAL ALTERNATIVE DISCHARGING SEWAGE SYSTEMS, AND DIVISION 8. SANITARY PRIVIES, AND SAID ARTICLE III. SEWAGE DISPOSAL SYSTEMS BEING SECTION 21-3-1 THROUGH AND INCLUDING SECTION 21-3-140 AND ALL SUBPARTS THEREOF, ARTICLE IV. ASSESSMENTS FOR EXTENSION OF WATER LINES AND SANITARY SEWERS BEING SECTION 21-4-1 AND ALL SUBPARTS THEREOF, ARTICLE V. SERVICE DISTRICTS BEING SECTION 21-5-1 AND ALL SUBPARTS THEREOF, ARTICLE VI. CENTRAL SEWER OR SEWAGE WORKS BEING SECTION 21-6-1 THROUGH AND INCLUDING 21-6-2 AND ALL SUBPARTS THEREOF, ARTICLE VII. LAND APPLICATION OF BIOSOLIDS BEING SECTION 21-7-1 THROUGH AND INCLUDING 21-7-7-6 AND ALL SUBPARTS THEREOF; AND

TO ADOPT APPENDIX A ENTITLED WATER AND SEWER FEE SCHEDULE TO BE PUBLISHED AS AN APPENDIX TO THE FLUVANNA COUNTY CODE WHICH SETS FORTH SOME OF THE FEES, CHARGES, AND AMOUNTS TO BE COLLECTED RELATED TO WATER AND SEWER AND UNDER CHAPTER 21.

BE IT ORDAINED by the Board of Supervisors of the County of Fluvanna, Virginia, that the Fluvanna County Code be, and such Code is hereby, amended, as follows:

- (1) Chapter 21 Water and Sewage Disposal of the Fluvanna County Code is hereby repealed in its entirety, including without limitation Article 1. – In General being section 21-1-1 through and including section 21-1-6 and all subparts thereof, Article 2. – Cross-Connections and Backflow Prevention being section 21-2-1 through and including 21-2-7 and all subparts thereof, Article 3. – Land Application of Biosolids being section 21-3-1 through and including 21-3-5 and all subparts thereof, Article 4. – Public Sewer including all of its Subarticles, Subarticle I. - General Provisions, Subarticle II – Definitions, Subarticle III. – Use of Fluvanna County’s Treatment Works and Treatment Facility, Subarticle IV. – Building Sewers and Connections, Subarticle V. – Conditions to Use the Fluvanna County Treatment Works, Subarticle VI. Industrial Dischargers, Subarticle VII. – Pretreatment, Subarticle VIII. wastewater service, charges and industrial cost recovery, Subarticle IX. – enforcement, and said Article 4. – Public Sewer being section 21-4-1 through and including section 21-4-53 and all subparts thereof; AND
- (2) The attached replacement ordinance entitled Chapter 21 Water and Sewage Disposal is hereby adopted and reenacted in its entirety as Chapter 21 Water and Sewage Disposal of the Fluvanna County Code, including without limitation Article I. In General being Section 21-1-1 through and including Section 21-1-17 and all subparts thereof, Article II. Water including all of its Divisions, Division 1. Generally, Division 2. Water Shortage, Division 3. Charges, Division 4. Connections; Meters, Division 5. Cross-Connection Control; Backflow Prevention, and Division 6. Private Water Supply, and said Article II. Water being Section 21-2-1 through and including Section 21-2-120 and all subparts thereof, Article III. Sewage Disposal Systems including all of its Divisions, Division 1. Generally, Division 2. Connections; Fees, Division 3. Industrial pretreatment, Division 4. Private Systems Generally, Division 5. Conventional Onsite Sewage, Division 6. Residential Alternative Onsite Sewage Systems, Division 7. Residential Alternative Discharging Sewage Systems, and Division 8. Sanitary Privies, and said Article III. Sewage Disposal Systems being Section 21-3-1 through and including Section 21-3-140 and all subparts thereof, Article IV. Assessments for Extension of Water Lines and Sanitary Sewers being Section 21-4-1 and all subparts thereof, Article V. Service Districts being Section 21-5-1 and all subparts thereof, Article VI. Central Sewer or Sewage Works being Section 21-6-1 through and including 21-6-2 and all subparts thereof, Article VII. Land Application of Biosolids being Section 21-7-1 through and including 21-7-7-6 and all subparts thereof; AND
- (3) The attached Appendix A entitled Water and Sewer Fee Schedule is hereby adopted and is to be published as an appendix to the Fluvanna County Code.

Chapter 21 WATER AND SEWAGE DISPOSAL¹

ARTICLE I. IN GENERAL

Sec. 21-1-1. Definitions.

For the purpose of this Chapter, the following words and phrases shall have the following meanings, whether capitalized or not, unless the context clearly indicates a different meaning:

Act or CWA means the Federal Water Pollution Control Act, also known as the Clean Water Act, 33 U.S.C. § 1251 et seq., as amended from time to time, including federal regulations adopted pursuant thereto. For the purposes of this Chapter, it includes any applicable State program requirements.

Applicable Law(s) means all State, Federal, and local laws, rules, statutes, ordinances, regulations or similar restrictions or provisions which apply and specifically including without limitation any affecting water and sewage disposal, waters, or related thereto and specifically including without limitation the applicable standards and limitations and the provisions of this Chapter.

Applicable standards and limitations means all State, interstate, and federal standards and limitations to which a discharge, a sewage sludge use or disposal practice, or a related activity is subject under the CWA (33 U.S.C. § 1251 et seq.) and the law, including effluent limitations, water quality standards, standards of performance, toxic effluent standards or prohibitions, best management practices, pretreatment standards, and standards for sewage sludge use or disposal under §§ 301, 302, 303, 304, 306, 307, 308, 403, and 405 of CWA.

Applicant means a person or persons, group, entity, or business or industrial establishment that has requested utility services for a particular premises such as the establishment of a new, or the extension of an existing, water system. All applicants are jointly and severally liable for payment; moreover, an applicant will be considered to have authority to act on behalf of and bind all property owners.

ASTM means the American Society for Testing and Materials.

Authorized Representative of Industrial User means:

- (1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation;
or
- (2) A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively;

History—Prior Chapter 21 Water and Sewage Disposal [as amended prior to _____, 2022; adopted 6-20-2007; Comp. 1974, Ch. 12] in its entirety was repealed on _____, 2022 (Prior Chapter 21 is referred to in subsequent history notes as “prior Sec 21-__-__”). This replacement Chapter 21 Water and Sewage Disposal in its entirety was adopted and reenacted on _____, 2022.

Cross reference(s)—General Provisions, Ch. 1; Cross reference(s)—Administration, Ch. 2; Cross reference(s)—fire protection and public safety, Ch. 8; Cross reference(s)—; Zoning, Ch. 22; Cross reference(s)— Subdivisions, Ch. 19.

State Law reference(s)—General Provisions for Public utilities, Code of Va., § 15.2-2109 et seq.; Sewage Disposal Systems Generally, Code of Va., § 15.2-2122 et seq.; Approval of Sewage Systems by Counties, Code of Va., § 15.2-2126 et seq.; Water Supply Systems Generally, Code of Va., § 15.2-2134 et seq.; Approval of Water Supply Systems by Counties, Code of Va., § 15.2-2149 et seq.; Virginia Water and Waste Authorities Act, Code of Va., § 15.2-5100 et seq.; Sanitary Districts, Code of Va., § 21-112.22 et seq.; Environmental Health Services, Code of Va., § 32.1-163 et seq.; Public Service Companies, Code of Va., § 56-1 et seq.; Waters of the State, Ports and Harbors, Code of Va., § 62.1-1 et seq.; Waterworks Regulations, 12 VAC 5-590-10 et seq.

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- (3) For a limited liability company, manager or if managed by the members, the managing member; or
- (4) A duly authorized representative of the individual designated in 1, 2, or 3, above, if such representative is responsible for the overall operation of the facility from which the discharge to the Publicly Owned Treatment Works (POTW) originates. The authorization must be submitted to the Director prior to or together with any reports to be signed by the authorized representative.

Backup facilities means those portions of the County's water and sewer systems which are used, respectively, to deliver water to or collect wastewater from local areas. Included are the County's complete water and sewer systems, excluding those facilities defined herein as local facilities. Water system backup facilities include without limitation: source of supply and treatment facilities, water transmission mains, pumping stations, storage facilities, and general plant items. Sewer system backup facilities include without limitation: interceptor and trunk sewers, pumping stations and force mains, wastewater treatment and disposal facilities, and general plant items.

Best management practices (BMPs) means those schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Virginia Administrative Code Title 9 Section 25-31-770 or the Act and to prevent or reduce the pollution of surface waters. BMPs also include treatment requirements, operating procedures, and practices to control plant site run-off, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures, five days at 20 degrees centigrade, expressed in terms of weight and concentration (milligrams per liter, mg/l).

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge of waste from inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

Building sewer means the extension from a building wastewater plumbing facility or building drain to the treatment works, public sewer or other place of disposal.

Categorical pretreatment standards means any National categorical pretreatment standard, as defined below.

Central sewage works means a sewage works designed to serve two or more units.

Central sewer means a sewer designed to serve two or more units.

CFR means the Code of Federal Regulations.

Code means the Fluvanna County Code of Ordinances.

Combined sewer means a sewer intended to receive both wastewater and storm or surface water.

Connected but not metered means any premises served by the County sewer system which do not have water consumption or wastewater discharge measured by an approved meter.

Connection fee means a nonrecurring charge payable to the County for connecting to the County water or sewer system.

Connector means the person or entity connecting to any County water or sewer system.

Contract user or Contract customer means any user of the County water or sewer system located outside the County or which has service requirements determined by the County Engineer to be so unique as to require a contractual agreement for service; and for such contract users the terms and conditions of water or sewer system use are unique and are established by contract approved by the Board of Supervisors rather than governed by the fee schedule adopted as an Appendix A to this Code.

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County means Fluvanna County.

County Engineer means the County Engineer, if one is so serving, or his designee; however, if the County does not have an acting County Engineer, then the County Engineer shall mean the Director or his designee. The County Engineer may hire or use an outside contract engineer as needed with respect to reviews of any engineering matters affecting this Chapter or applications, submittals or plans of any kind submitted under this Chapter.

Cross-Connection Control and Backflow Prevention Program Manual means the latest edition of the Cross-Connection Control and Backflow Prevention Program Manual as adopted by the Board of Supervisors.

Customer means any user of any water or sewer or related systems or services of any kind covered by this Chapter owned or operated by the County.

Day means the 24-hour period beginning at 12:01 a.m.

Department means the department which manages the operation of the County's water or sewer system as designated by the Board of Supervisors from time to time, currently the Department of Public Utilities which is a department of the Department of Public Works.

Utility Standards Manual (USM) means the design and standards and specifications as set forth in the latest edition of the Fluvanna County Utility Standards Manual as adopted by the Board of Supervisors.

Development means any construction, addition or expansion of a structure capable of using a water supply or sewage disposal.

Director means the person responsible for the operation of the Department which manages the operation of the County's water or sewer system, currently the Director of Public Works. The Director of Public works may delegate his authority under this Chapter to the Director of Public Utilities.

Discharge means and includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, dumping or addition of a substance (which may include a pollutant) into the POTW or surface waters from any point source.

Discharge of a pollutant means: (i) Any spilling, leaking, pumping, pouring, emitting, emptying, dumping or addition of any pollutant or combination of pollutants to the POTW or surface waters from any point source; or (ii) any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This definition includes additions of pollutants into the POTW surface waters from: surface run-off which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.

Discharger means person or persons, firm, company, industry or other similar sources of wastewater who introduce discharge into the POTW or surface waters from any point source.

Easement means an acquired legal right for the specific use of land owned by others.

Environmental Protection Agency (EPA) means the United States Environmental Protection Agency, or a duly authorized official of the EPA.

Existing source means any source of discharge that is not a new source or a new discharger.

Fire service means a connection to the water system from the main to the property line providing water to a private fire protection system.

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Garbage means the solid animal and vegetable wastes resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking, or serving of foods and from the handling, storage and sale of produce.

Groundwater means all water obtained from sources not classified as surface water including any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water wholly or partially within the boundaries of the State, whatever the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

Health department means the office of the Virginia Department of Health (VDH) whose duties encompass Fluvanna County.

Health officer means the Health Director of the health department.

Indirect discharge means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act; 33 U.S.C. § 1317.

Indirect discharger means a nondomestic discharger introducing pollutants to a POTW.

Industrial sewage or Industrial wastes means sewage or wastes (including without limitation water-borne solids, liquids, or gaseous wastes) resulting from any Industrial user, including without limitation industrial manufacturing, trade, business, or food processing, operation or process, or from the development of any natural resource or any mix of these with water or domestic sewage as distinct from domestic sewage. Industrial sewage or Industrial wastes includes any liquid or other wastes resulting from any process of industry, manufacture, trade, or business, or from the development of any natural resources and any wastes created by a facility engaged in the conversion or combining of materials into a new or different material, or the processing of materials or objects for use or reuse, generally not for sale at retail on the premises of the manufacturing or processing facility.

Industrial user means any nondomestic user or a source of indirect discharge, or a nondomestic discharge, into the POTW. Industrial User shall include commercial, business, institutional and other uses which are not residential uses.

Install; repair; approved; standard means in accordance with the specifications and standards established by the USM, this Chapter and applicable law and regulations (including without limitation the laws of the Commonwealth of Virginia and United States), or if not so established, then generally accepted within the water and sewer system industry in the Commonwealth of Virginia.

Interference means an indirect discharge that, alone or in conjunction with an indirect discharge or discharges from other sources, both: (i) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and (ii) therefore is a cause of, or contributes to, a violation of any requirement of the POTW's VPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of biosolids use or sewage sludge disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6901 et seq.), and including State regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA) the Clean Air Act (42 U.S.C. § 701 et seq.), the Toxic Substances Control Act (15 U.S.C. § 2601 et seq.), and the Marine Protection, Research and Sanctuaries Act (33 U.S.C. § 1401 et seq.), or any more stringent State standard (including those contained in any State sludge management plan prepared pursuant to Title IV of the Act) applicable to the method of disposal or use employed by the County.

Local facilities means those portions of the County's water and sewer systems which are used, respectively, to deliver water to or collect wastewater from individual users in local areas, subdivisions, and developments. It includes local water distribution mains and valves; local wastewater collection mains; water service lines; meter setters; meter boxes; wastewater lateral lines to the user's premises; and fire hydrants.

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Local limits means specific discharge limits developed and enforced by the County upon industrial and commercial facilities to implement the general and specific discharge prohibitions listed in Title 40 CFR Part 403, other applicable Federal State or local law, and any applicable specific limits set by any treatment facility used by or affected by the County waterworks or utilities.

May is permissible; *Shall* is mandatory.

Municipality means a city or town.

Monitoring manhole means a manhole with a 24-inch opening which is installed on the discharge line from a user in order to facilitate collection of wastewater from only that user.

Multifamily unit as used in this Chapter means two or more single-family units in one structure, including condominiums and townhouses.

Multimeter installations means the installation of two or more meters in the same or adjoining vault which are served by a single service connection.

National categorical pretreatment standard(s) means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(a), (b), (c) of the Act (33 U.S.C. Section 1317) which applies to industrial users. For this Chapter, this term includes prohibitive discharge limits established pursuant to 9 VAC 25-31-770.

National pollution discharge elimination system permit (NPDES permit) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under the CWA including without limitation pursuant to Sections 307, 402, 318, and 405 of the CWA.

Natural outlet means any outlet into a watercourse, pond, ditch, lake, or any other body of surface or groundwater.

New discharger means any building, structure, facility or installation: (i) From which there is or may be a discharge of pollutants; (ii) That did not commence the discharge of pollutants at a particular site prior to August 13, 1979; (iii) Which is not a new source; and (4) Which has never received a finally effective VPDES permit for discharges at that site. This definition includes an indirect discharger which commenced/commences discharging into surface waters after August 13, 1979.

New source shall have the same meaning as provided in Title 40 CFR Part 403.3(m).

Nondomestic means associated with industrial or commercial waste or facilities.

Not connected means not physically connected to the County system after having paid connection fees, thereby not receiving water from or discharging sewage into any County system.

Offsite extension means an extension to mains in the existing County utility system in accordance with plans approved by the Director not on a connector's property or in a public right-of-way adjacent to a connector's property. Pump stations and other appurtenances to mains will be included when in accordance with approved plans and built to serve others.

Onsite extension means an extension to the existing County utility system in accordance with plans approved by the Department, on a connector's property and/or in a public right-of-way adjacent to a connector's property.

Owner means the owner of any Premises affected by this Chapter or operator of any facilities or systems affected by this Chapter.

Pass through means a discharge that exits the POTW into state waters in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's VPDES permit (including an increase in the magnitude or duration of a violation).

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Permit holder means an applicant(s) for a permit whose permit was approved.

Person means any individual, firm, company, association, society, partnership, municipal corporation, governmental body or agency, corporation, municipality, legal entity or other similar organization, agency or group or other legal entity.

pH means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution in accordance with the requirements of Title 40 CFR Part 136 and the Standard Methods.

Point source means any discernible, confined, and discrete conveyance including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater run-off.

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical waste, chemical wastes, industrial waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and any industrial, municipal and agricultural waste discharged into water and certain characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).

Premises means the property to which utility services will be, are being or have been supplied.

Pretreatment or treatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes or other means, except as prohibited by the Act, or applicable federal or State Law or regulation.

Pretreatment requirements means any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard, including without limitation, the duty to allow or carry out inspections, entry or monitoring activities; any rules, regulations, or orders.

Pretreatment standard means (i) any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users, (ii) any prohibited discharge standards, (iii) categorical pretreatment standards; and (iv) local limits.

Properly shredded garbage means garbage that has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in the treatment works, with no particle greater than one-half inch in any dimension.

Publicly-owned treatment works or POTW means any treatment works, as defined by the Act, and specifically those owned by the County, together the treatment plant receiving the waste. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or liquid industrial wastes and any sewers, pipes and other conveyances which convey wastewater to a POTW treatment plant.

Public sewer means a sewer system owned and operated by the County.

Residential means a group of rooms, including cooking accommodations, occupied exclusively by one or more persons living as a single housekeeping unit, including any approved accessory dwelling unit.

Residential user or Residential Customer or Class I User shall apply to a user for a Residential Premises used only for human residency connected to the POTW. This customer category includes individually metered multi-family housing units.

Sanitary sewage or Sanitary wastewater shall mean wastewater discharged from dwellings, office or business buildings, or institutions or other structures used for human habitation, exclusive of industrial wastes.

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Sanitary sewer means a sewer which carries sanitary sewage and to which storm, surface and groundwaters are not intentionally admitted.

Septage means wastes removed from septic tanks, grease traps, portable toilets or the like. Septage includes any liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system, or a holding tank when the system is cleaned or maintained.

Septic tank means sewage works consisting of single-story settling tank in which part of the heavy solids is settled and the organic solids decomposed by anaerobic bacterial action.

Service charge means a charge based on the size of the water meter. Where water is not metered, the charge may be a flat rate. Service Charge includes any sewer service charge, as and where applicable.

Service connection means a pipe wholly within a public right-of-way or easement conveying water to a premises including the meter; or the pipe from the building sewer or private sewer system to the collector sewer that conveys wastewater, which pipe is or will be wholly within a public right-of-way or easement.

Service District means a service district established pursuant to Article V of this Chapter 21.

Sewage disposal system means any arrangement of devices and structures used for treating sewage.

Sewage sludge or Sludge means any solid, semisolid, or liquid waste or residue removed during the treatment of municipal wastewater or domestic sewage. Sewage sludge includes solids removed during primary, secondary, or advanced wastewater treatment, scum, domestic septage, portable toilet pumpings, type III marine sanitation device pumpings, and sewage sludge products. Sewage sludge does not include grit or screenings, or ash generated during the incineration of sewage sludge.

Sewage works means all facilities for collecting, pumping, treating and disposing of sewage.

Sewer means any pipe or conduit for carrying sewage.

Sewerage system means pipelines or conduits, pumping stations and force mains and all other construction, devices and appliances appurtenant thereto used for conducting sewage or industrial wastes or other wastes to a point of ultimate disposal, together with the treatment plant.

Significant industrial user or Significant Discharger shall have the same meaning as provided in Title 40 CFR Part 403.3(v) and includes without limitation any industrial user who is subject to categorical pretreatment standards; or who has significant impact, either singularly or in combination with other significant dischargers, on the treatment works or the quality of its effluent. Significant Industrial User includes those defined as such under 9 VAC 25-31-10.

Significant noncompliance shall have the same meaning as provided in Title 40 CFR Part 403.8(f)(2)(viii).

Significant violator means any person who: (i) Fails to correct a violation for 45 days after notification of noncompliance; (ii) Shows a pattern of noncompliance; (iii) Shows a pattern of noncompliance over a 12-month period; (iv) Fails to accurately report noncompliance; or (v) Causes the County to exercise its emergency authority.

Single-family residential unit means a Residential group of rooms including cooking accommodations occupied exclusively by one or more persons living as a single housekeeping unit.

Slug load or slug discharge means any discharge at a non-routine or episodic flow rate or concentration which could cause a violation of this Chapter or in any other way violate the POTW's regulations, local limits, or permit conditions and specifically including any discharge of water, sewage or industrial waste which in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation; or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

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Standard methods means the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, Water Environment Federation and American Water Works Association.

State means the Commonwealth of Virginia.

Storm sewer or *Storm drain* means a sewer for conveying storm, surface, and other waters, which is not intended to be transported to a treatment works, but excludes sewage and industrial wastes.

Stormwater means stormwater run-off, snow melt run-off, and surface run-off and drainage.

Strong waste means a wastewater discharged to the POTW that exceeds 250 milligrams per liter (250mg/l) of suspended solids and/or a BOD of 250 milligrams per liter (250 mg/l), or discharge of fats, grease or oils in excess of local limits.

Subsurface disposal field means the process of sewage disposal in which the sewage effluent is applied to land by distribution beneath the surface through open-jointed pipes or tiles laid in trenches.

Surface water means: (i) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (ii) All interstate waters, including interstate "wetlands"; (iii) All other waters, such as inter/intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters: (a) Which are or could be used by interstate or foreign travelers for recreational or other purposes, (b) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce, or (c) Which are used or could be used for industrial purposes by industries in interstate commerce; (iv) All impoundments of waters otherwise defined as surface waters under this definition; (v) Tributaries of waters identified in paragraphs (i)—(iv) of this definition; (vi) The territorial sea; and (vii) Wetlands adjacent to waters other than waters that are themselves wetlands, identified in (i)—(vi) of this definition.

Suspended solids means all solids that either float on the surface of or are in suspension in water, sewage, wastewater, or other liquids, and which are removable by laboratory filtering. Quantitative determination of suspended solids shall be made in accordance with the provisions of 40 CFR Part 136.

Toxic or Toxic Pollutant means any of the pollutants designated as toxic by the Act including without limitation under § 307(a)(1) of the CWA or, in the case of sludge use or disposal practices, any pollutant identified in regulations implementing § 405(d) of the CWA.

Treasurer means the Fluvanna County Treasurer.

Treatment facility means only those mechanical power-driven devices necessary for the transmission and treatment of pollutants (e.g., pump stations, unit treatment processes).

Treatment works means any devices and systems used for the storage, treatment, recycling and/or reclamation of sewage or liquid industrial waste, or other waste necessary to recycle or reuse water, including intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances, extensions, improvements, remodeling, additions, or alterations, and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment, or any other method or system used for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined sewer water and sanitary sewer systems.

Underground leak means a water leak on the premises of the user whose system is connected to the County system, which leak is in pipes only and then only if the pipe cannot be seen without digging or destroying property, but excluding leaks due to faulty installation of private systems, even if underground, and leaks due to mechanical failure or malfunction.

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U.S.C. means the United States Code.

User means a person or persons, as defined above, including any business or industrial establishment that benefits from the use of utility services or any County POTW and includes an applicant.

User permit or *Permit* means a permit, certificate or other equivalent document issued by the Director or County POTW to the User to implement the requirements of this Chapter and which may permit the connection to any utility service or County POTW and/or introduction of wastes into the treatment works.

VAC means Virginia Administrative Code.

VDH means the Virginia Department of Health.

Virginia Pollutant Discharge Elimination System permit or *VPDES permit* means a document issued by the Virginia State Water Control Board or State Water Control Board authorizing, under prescribed conditions, the potential or actual discharge of pollutants from a point source to surface waters and the use of biosolids or disposal of sewage sludge. Under the approved state program, a VPDES permit is equivalent to an NPDES permit.

Volume charge means a charge in proportion to volume of water used or sewage contributed.

VPDES means the Virginia Pollutant Discharge Elimination System permit program, as administered by the Commonwealth of Virginia.

VPDES application or *application* means the standard form or forms, including any additions, revisions or modifications to such forms, approved by the administrator and the board for applying for a VPDES permit.

Wastewater means the liquid and water-carried industrial or domestic waste from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater, whether treated or untreated, which is contributed into or permitted to enter the POTW.

Waterworks Regulations means Title 12 Health, Agency 5 Department of Health, Chapter 590 Waterworks Regulations of the Virginia Administrative Code.

In the case of any terms not defined above, the Board of Supervisors hereby adopts by reference all definitions included in 9 VAC 25-31-10, Definitions. Each and every reference herein to any code, statute or regulation shall be deemed to refer to the same, or to any successor statute or regulation which addresses substantially the same subject matter, as the same may be amended from time to time.

History prior Sec. 21-4-9. – definitions (Ord. 6-20-07; Ord 11-18-15).

Sec. 21-1-2. Penalty; Classification of and penalties for violations; continuing violations; injunctive relief.

- (A) Generally, acts which this Chapter declares to be unlawful, or any other violation of this Chapter, shall be punishable as provided in Section 1-10 of the County Code unless specific provisions of this Chapter provide otherwise. In addition, any person or user that violates the provisions of this Chapter shall be subject to a fine of up to \$2,500.00 per day for each day the violation continues if convicted hereunder. Each day, or portion thereof, a violation continues shall constitute a separate violation.
- (B) It is unlawful for any person to knowingly makes any false statements, representation or certification in any application, record, report, Permit, plan or other document filed or required to be maintained pursuant to this Chapter, or who falsifies any monitoring device or method required under this Chapter.
- (C) In addition to the foregoing, the County Attorney is hereby authorized to take appropriate action by injunction or other appropriate proceeding to restrain, correct, or abate any violation or attempted

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violation of this Chapter or any regulation adopted hereunder, applicable federal or State Pretreatment Requirements, any order of the County issued pursuant to this Chapter, or a permit issued under this Chapter. The County Attorney is further authorized to petition the court for a writ of mandamus or by other appropriate proceeding of cause compel enforcement of this Chapter including by any State or federal authority of any rules or regulations adopted to regulate any of the activities set out in this Chapter.

- (D) In addition to any criminal penalties provided under this Article, any person who violates any provision of this Article may be liable to the County in a civil action for damages.

History prior Sec. 21-5-51 – legal action (Ord. 6-20-07); Sec. 21-4-52. – penalties (Ord. 6-20-07); and Sec. 21-4-53 falsifying information (Ord. 6-20-07).

State Law reference— Authority of Board of Supervisors to prescribe fines and imprisonment for violations of ordinances, see Code of Va., § 15.2-1429; as to punishment for conviction of misdemeanors, see Code of Va., § 18.2-11 and 18.2-12.

Cross-Reference Chapter 1, Section 1-10 General Penalty; continuing violations.

Sec. 21-1-3. Approval of development not using public water and sewer; Systems not covered by Chapter.

For any development which will not use public water and/or sewer, and before any development of a sewage disposal system not specifically covered by this Chapter, the State Health Department must inspect the property and approve the water supply and/or sewage disposal plans, and any well must be pressure tested and found by the health department to be adequate. If required by applicable law, the State Water Control Board shall also approve the plans.

The Fork Union Sanitary District is specifically covered by Chapter 9 of the Code and is also covered by certain provisions of this Chapter 21 to the extent permitted by applicable law. If Chapter 9 and Chapter 21 of the Code have conflicting provisions, then for services provided by or related to the Fork Union Sanitary District the provisions of Chapter 9 of the Code shall control with respect to those services and the related facilities, systems, and customers of the Fork Union Sanitary District. When a provision of this Chapter applies to a customer of the Fork Union Sanitary District or a property or system served by the Fork Union Sanitary District, then (i) any rights of entry, inspection, or similar requirement granted to the County hereunder shall also be granted to the authorized employees and agents of the Fork Union Sanitary District; and (ii) any reporting, application, or other requirements to be made to the County shall be made to the Fork Union Sanitary District.

History prior Sec. 21-1-2. – systems not covered by chapter (Comp. 1974, ch. 12).

Sec. 21-1-4. Sewage Disposal—Description of approved methods.

For the purposes of this Chapter, an approved method of disposal of human excrement shall be deemed to be:

- (1) A properly installed and properly functioning flush toilet connected to one (1) of the following:
 - a. An approved public or privately owned sewage disposal system; or
 - b. An approved properly installed septic tank system.
- (2) An existing standard pit privy constructed, operated and maintained in accordance with applicable law subject to the approval and monitoring, as applicable, by the Virginia VDH; new pit privies shall be allowed by waiver in accordance with applicable State Law and specifically the Uniform Statewide Building Code, and only if approved by the Virginia VDH.

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History prior Sec. 21-1-1. – Approved method of disposal of human excrement required (Comp. 1974, ch. 12).

Sec. 21-1-5. Wastewater Disposal.

It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage or wastewater, except in accordance with this Chapter, and in accordance with Applicable Laws.

History prior Sec. 21-4-13. -Wastewater disposal (Ord. 6-20-07).

Sec. 21-1-6. Sewage Disposal; Sites under construction.

In order to prevent the spread of contagious diseases among persons or animals and for the prevention of the pollution of water which is dangerous to the health or lives of persons residing in the County, the owner of every parcel of real property in the County upon which is constructed, reconstructed or repaired any building or structure shall provide reasonable facilities for the lawful and sanitary disposal of human excrement for the use of persons engaged in such construction, reconstruction or repair. Such facilities shall comply with this Chapter, all applicable regulations of VDH and all other applicable law. It shall be sufficient compliance with this Section to provide access to approved temporary or permanent sewage disposal facilities within 500 feet of the building or structure which is under construction.

History prior Sec. 21-1-1.1. – same; sites under construction* (Ord. 6-20-18).

Secs. 21-1-7. Wastewater Disposal; Sites under construction.

In order to prevent the spread of contagious diseases among persons or animals and for the prevention of the pollution of water which is dangerous to the health or lives of persons residing in the County, the owner of every parcel of real property in the County upon which is to be constructed, reconstructed or repaired any building or structure shall provide reasonable facilities for the lawful and sanitary disposal of wastewater for the use of persons engaged in such construction, reconstruction or repair. Such facilities shall comply with this Chapter, all applicable regulations of VDH and all other applicable law.

Sec. 21-1-8. - Waste disposal.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any condition that is unsanitary or unhygienic on public or private property within the County, or in any area under the jurisdiction of the County, any human or animal excrement, garbage, or other objectionable waste.

History prior Sec. 21-4-11. – Waste disposal (Ord. 6-20-07).

Sec. 21-1-9. Notice to correct violations.

If upon any inspection, the Director, the County Administrator, the County Engineer, or a health officer or any of their authorized agents shall find any violation of this Chapter or the provisions of any permit issued under it, he shall direct to the owner or the person to whom the permit was issued, as applicable, a written notice to make the necessary corrections within the time as shall be specified therein. This is not a limitation on the rights of the County to take immediate action if and as permitted by this Chapter. Those penalties for violations of the Chapter under Section 21-1-2 are not limited by this Section 21-1-9 and can be pursued notwithstanding any notice hereunder.

History prior Sec. 21-1-4. – Notice to correct violations (Min. Bk. 5, pp. 95-96, 144; Min. Bk. 7, p. 277; Comp. 1974, ch. 12).

Sec. 21-1-10. - Severability.

If any part, Section, subsection, sentence, clause or phrase of this Chapter or its application to any persons or circumstances is for any reason held to be unconstitutional or invalid by the final judgment of a court of competent jurisdiction, such decision shall not affect the constitutionality or validity of the remainder of this Chapter or other applications thereof.

History prior Sec. 21-4-7. – Severability (Ord. 6-20-07).

Sec. 21-1-11. – Interpretation and Amendments of this Chapter.

This Chapter may be amended, as provided by general law, from time to time. Any requirements of this Chapter shall be in addition to and not a waiver of any other requirements of Applicable Law including without limitation any requirements of the Zoning or Subdivision Ordinances of this Code and the Uniform Statewide Building Code.

History prior Sec. 21-4-8. – Amendments of this Article (Ord. 6-20-07).

Sec. 21-1-12. Fees and charges generally; and payment for inspection.

- (A) All fees and charges payable under the provisions of this Chapter shall be paid to Fluvanna County. Such fees and charges shall be as set forth herein or as established in the fee schedule adopted as an Appendix A to this Code or as specifically set forth in this Code.
- (B) All user fees, penalties and charges collected under this Article (and the treatment works user charge schedule) shall be used for the sole purpose of constructing, operating or maintaining the public water and sewer system of the County, including without limitation the POTW and treatment works of Fluvanna County, or the retirement of debt incurred for the same.
- (C) All fees and charges payable under the provisions of this Chapter are due and payable upon the receipt of notice of charges. Unpaid charges shall become delinquent and shall be subject to penalty and interest charges as specifically set forth in this Code in Section 21-1-17.
- (D) Notwithstanding the foregoing, payment for inspections shall be at the hourly rate for the person doing the inspection on water and sewer lines.

History prior Sec. 21-4-4 – Fees and charges (Ord. 6-20-07).

State Law Reference(s) Authority for above Section, Code of Va., § 15.2-2119, §15.2-2119.1, and §15.2-2119.4.

Sec. 21-1-13. Liens—Taxes and charges to constitute lien.

To the extent permitted by Section 15.2-2118, all fees, delinquent amounts, late fees, interest, assessments, taxes or charges imposed by this Chapter for water or sewer or use thereof shall automatically be a lien on the real estate served by such water line or sewer. To the extent 15.2-2118 is inapplicable to the County, all fees, delinquent amounts, late fees, interest, assessments, taxes or charges imposed by this Chapter for water or sewer or use thereof shall constitute a lien against the property only in accordance with Section 15.2-2119. Nothing in this provision shall not relieve the tenant or resident of such property from his obligation to pay such charges.

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Hist. Prior Sec. 21-4-44. – Wastewater service charges (Ord. 6-20-07).

State Law reference(s)—Authority for above Section, Code of Va., § 15.2-2118; enforcement of such lien, § 15.2-2119, § 15.2-2120.

Sec. 21-1-14. Enforcement of Liens.

Any such lien, when properly docketed in the Clerk's office of the Circuit Court, may be enforced in the same manner as other taxes to the County, or by terminating water service, provided the public health and safety will not be endangered thereby.

State Law reference—Authority for above Section, Code of Va., § 15.2-2120.

Sec. 21-1-15. Interpretation.

A word importing the masculine or neuter gender only may extend and be applied to females and to corporations as well as males, and vice versa. A word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing; and a word importing the plural number only may extend and be applied to one person or thing, as well as to several persons or things. Any reference to a specific provision of Federal, State, or local law referenced in this Chapter shall mean such provision of law, as amended from time to time, or as set forth in any successor provision dealing with substantially the same subject.

Sec. 21-1-16. Delegation of Authority.

The Director may specifically delegate authority to employees as his agents from time to time as deemed appropriate by the Director.

Sec. 21-1-16.1. Administration.

The Director shall implement and enforce the provisions of this Chapter.

Hist. Prior Sec. 21-4-3. – Administration (Ord. 6-20-07).

Sec. 21-1-17. Interest for failure to pay accounts when due.

Any person failing to pay any account or amounts due under this Chapter on or before its due date shall incur a late penalty on such delinquent amounts in the amount of \$10.00 or ten percent of the overdue delinquent amount, whichever is greater. The late penalty shall be added to the amount due from such person. No penalty will be added to any account if the failure to pay by the due date was not in any way the fault of the responsible person as determined by the Director. Interest at the rate of ten percent annually from the first day following the day such account is due shall be collected upon the principal and late penalty(ies) of all such delinquent accounts.

State Law Reference(s) - Authority for above Section, Code of Va., § 15.2-2119 and §15.2-105.

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DIVISION 1. GENERALLY

Sec. 21-2-1. Purpose, Management and control of waterworks generally.

The purpose of this Article is to provide for the maximum possible beneficial public use of the Fluvanna County waterworks through regulation of construction, water use, and wastewater discharges; to provide for equitable distribution of the costs of the waterworks; and to provide procedures for complying with the requirements contained herein.

The Director, who shall work with the County Engineer as needed, shall have the general management and control of the waterworks and the properties appertaining thereto.

Sec. 21-2-2. Records of mains, etc.

The Director shall keep on file in his office suitable records showing the size and location of all existing water mains, service connections and appurtenances thereto.

Sec. 21-2-3. Service generally.

The Director shall establish procedures and give all orders to his agents to set, reset, take out and change meters, turn on and turn off water service, protect water system equipment, bill and collect for water service, and all other orders required in connection with furnishing water to customers. The Director's agents shall perform these orders reasonably promptly. The Director may delegate any of these functions to the County Engineer in the Director's discretion as deemed appropriate by the Director.

Sec. 21-2-4. Right of entry by County.

Every person occupying premises to which water service is provided shall permit any authorized County employee or agent to enter the premises at reasonable times to examine the service lines, meters or other equipment and to take up, repair or remove them so as to determine compliance with this Code, this Chapter, or other County regulations or applicable law. Examinations shall comply with all constitutional requirements.

Sec. 21-2-5. Obstructing valves, etc.; wasting water; liability for damages.

No person shall place any building material, rubbish or any other matter on the stopcock or valve of a water main or service pipe, obstruct access to any fixture connected with the waterworks or open any pipe, fire hydrant, meter, meter box or valve so as to waste water. No person shall use water for which he has not made proper application pursuant to Section 21-2-38 of this Chapter unless authorized by the Director or by the provisions of this Code, with specific reference to this Chapter. The owner of the premises shall be responsible for water obtained illegally from the owner's service connection. In addition to any other penalty that may be imposed, any person defacing or destroying waterworks property shall be held liable for its repair or replacement.

Sec. 21-2-6. Use of water in cases of disrepair or fire.

Notwithstanding any other provisions of this Chapter, the occupant of premises supplied with County water whose hydrant or pipe is out of order may use water from the hydrant or pipe on another property with the

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owner's permission. Any person may use County water to put out a fire in an emergency, and fire companies may use County water to practice and to examine, clean and put their engines and hoses in good condition.

Sec. 21-2-7. Extensions to existing lines.

No extensions shall be made to existing water lines without written approval of the Director and the County Engineer. The application fee can be found in the County's fee schedule adopted as an Appendix A to this Code. Applicants for approval shall submit at least four copies of plans and specifications prepared by a registered engineer licensed to do business in the state. In the case of subdivisions, site plans and plans of development only, a licensed land surveyor may prepare plats, plans and profiles to the extent and in the manner permitted by Section 54.1-408 of the Code of Virginia. No construction shall commence until approval has been obtained from the Director, County Engineer, and any other applicable governing body or department. Extensions to existing private lines is discussed in Section 21-2-117.

Sec. 21-2-8. Connections to existing water mains.

- (A) *Connection required.* Every occupied building located on property within the County where the public water system is at the property line, or within a street, alley, right-of-way or easement abutting such property, shall be connected with such system.
- (B) *Mandatory connection; exceptions.* Unless otherwise required by the Code, connection will not be required where:
 - (1) Providing public water to the property requires an extension of the water system other than an installation of a service lateral 400 feet or less in length; or
 - (2) The residential structures, buildings or properties are located more than 200 feet from the property line nearest the public water; or
 - (3) Any one single-family residential unit, but not excepting a residential subdivision;
 - (4) Any occupied buildings are utilizing private water systems at the time public water service is made available to the property, provided such water systems are operated and maintained in strict conformance with the requirements of all governmental agencies having jurisdiction over such systems and are not altered, enlarged or replaced without the appropriate approval(s) and permit(s) of such governmental agencies.
- (C) *Exclusive use of public water; exceptions.* Once a building or other facility is connected to the public water system, the water from the public system shall be consumed or used in and about the premises on which such building or facility is located to the exclusion of all other sources; provided, however, that a development or facility may use an alternative water source solely for nonpotable water purposes. The alternative water source used solely for nonpotable water purposes shall not be interconnected to the public water source and shall meet all other Applicable Law.
- (D) Additionally, in any Service District, a building or structure not existing as of the inception of such Service District shall be required to connect to the public water supply system whenever the distance from the public water supply system to the building or structure is 500 feet or less. Except that, for one single-family residential dwelling not existing as of the date of inception of the applicable Service District located on a lot of record as of the same date, the distance for mandatory connection shall be 200 feet.
- (E) Such connections shall be made, if approved by the Director and County Engineer, upon application and payment of a connection fee and deposit, which fee and deposit amount are as set forth in the County's fee schedule adopted as Appendix A.

Sec. 21-2-9. Fire hydrant painting.

For all public fire hydrants, the body (barrel) and discharges (nozzles) shall be fire hydrant red in color with either a reflective top coat or a reflective element mixed in with the red. The bonnet shall be fire hydrant red in color with either a reflective top coat or a reflective element mixed in with the silver/aluminum. All hydrant discharge caps are to be fire hydrant red in color. Manufacturer color specifications shall be submitted to the Director for approval prior to installation. This coloring scheme is not applicable to dry hydrants.

Sec. 21-2-10. Use of public water for irrigation.

No public water supply may be used for irrigation, except as may be approved in writing by the Director. The Director may set reasonable conditions upon any use of the public water supply for irrigation.

Sec. 21-2-11. Defacing or injuring system.

- (A) It shall be unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, injure, disturb, or tamper with any structure, appurtenance or equipment which is connected to the County's water system or is a part of the County's waterworks, public water supply and distribution system, or any appurtenance thereto.
- (B) It shall be unlawful for any unauthorized person to break, damage, destroy, uncover, deface, injure, disturb, or tamper with any structure, hydrant, meter, valve, pipe or other fixture which is connected to the County's water system or is a part of the County's waterworks, public water supply and distribution system, or any appurtenance thereto.
- (C) In addition to criminal charges arising under Section 21-1-2 related to any activities described in (A) and (B) above, such person shall be held liable for any repair or replacement to the County's water system or any part of the County's waterworks, public water supply and distribution system or appurtenances thereto.

Sec. 21-2-12. Unauthorized use of public water.

- (A) It shall be unlawful for any person to divert or remove, or cause another person to divert or remove, water from a fire hydrant or other unauthorized location on the public water supply and distribution system, without written authorization from the Director.
- (B) In addition to criminal charges arising hereunder, any person unlawfully removing water from the public water supply and distribution system shall be held liable for the water used at standard rates. If the amount of water unlawfully removed is uncertain, a flat fee of \$500.00 shall be assessed per day that water was removed.

Sec. 21-2-13. Hydrant meters.

- (A) *Provision of hydrant meters, deposit required.* A hydrant meter shall be leased from the County for the purpose of recording water withdrawn from County-approved fire hydrants upon submittal of a signed lease agreement to the Director and payment of the lease deposit found in the County's fee schedule adopted as an Appendix A to this Code.
- (B) *Water usage and administrative charges.* Water usage charges for water consumed through hydrant meters can be found in the County's fee schedule adopted as an Appendix A to this Code. If usage is less than 1,000 gallons over a one-year period, the meter shall be returned to the County and the agreement terminated. A monthly administrative charge found in the County's fee schedule adopted as

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an Appendix A to this Code, shall also be assessed to each lessee for every month a hydrant meter remains in the possession of such person. If lessee fails to pay total amount due by the due date, a late payment penalty in the amount of \$10.00 or ten percent of the overdue amount, whichever is greater, will be added to lessee's bill. This late payment penalty shall be charged in each month that there is an overdue amount on any overdue balance.

- (C) *Monthly meter reading reports; billing based on estimate where no report given.* Meter readings certified by the lessee must be provided to the Department by the 10th day of each month for recording and billing. If lessee fails to report meter readings as required in this paragraph, the Director shall estimate a water usage based on an average of the last two billing periods. To the extent there is an increase in the estimated billing amount, a late payment penalty in the amount of \$10.00 or ten percent, whichever is greater, will be added to the increased billing amount.
- (D) *Annual inspections; lease terminated.* All meters must be returned to the Department annually on or before the yearly anniversary date of the signed lease agreement for a condition check and reading verification. If meters are not returned to the County within ten days of the anniversary date a fee of \$25.00 plus \$1.00 per day thereafter will be added to the billing amount or deducted from the deposit. If such failure to return or delinquency of a hydrant meter billing amount continues for a period of 15 days following written notice of such failure or delinquency, such lease shall automatically terminate, the lease deposit will be forfeited, and the County may take possession of the meter. The notice shall be sent by first class mail to the person leasing the meter and shall specify that lease termination, deposit forfeiture and meter repossession will result if such failure or delinquency continues beyond the 15-day period. Such service shall not thereafter be provided to such lessee unless the meter is returned or repossessed, a new lease agreement signed, a new deposit is paid and any delinquent amounts are paid. Meters must be available for inspection by County personnel at any reasonable time.
- (E) *Damage to County equipment.* If the hydrant meter is damaged or in any way tampered with, the cost to repair or replace the equipment will be at the expense of the lessee. If it is found that the backflow prevention device has been compromised or tampered with, the lease agreement will be terminated and the deposit will be forfeited.
- (F) *Lost or stolen equipment.* The lessee shall notify the County immediately if the meter is lost or stolen. The lessee shall reimburse the County for the cost of the meter within 30 days of such notification.

Secs. 21-2-14 – 21 -2-20. Reserved.

DIVISION 2. WATER SHORTAGE

Sec. 21-2-21. Authority of County Administrator to make emergency declaration.

The County Administrator is hereby authorized to declare emergencies in any or all areas supplied by the County affecting the use of water during any period in which there is a water shortage. In addition, the County may issue requirements for mandatory water use reductions during water shortage emergencies declared by the County or other regulatory authority consistent with Sections 15.2-923 and 15.2-924 of the Code of Virginia or other applicable law. During such emergency, for the protection of the health, safety and welfare of the residents of the County Administrator may require that certain uses of water, not essential to public health, safety and welfare, be reduced, restricted or curtailed.

Sec. 21-2-22. Use of water.

In addition to any other use limitations or requirements instituted during such emergency by the County Administrator pursuant to Section 21-2-21 it shall also be unlawful for any person whose water supply is furnished

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from a County-owned or -operated water system during any declared emergency to water or sprinkle lawns, gardens or to use water for any purposes not reasonably essential to public health, safety and welfare, between the hours of 7:00 a.m. and 10:00 p.m. each day or such other period of time as is deemed necessary by the County Administrator. All portions of the County water supply and distribution system using water from the County water system shall fall under such water use restrictions as may be imposed by Fluvanna County upon a declaration by the County Administrator.

Sec. 21-2-23. Notice of declaration.

In declaring an emergency pursuant to this division, the County Administrator shall post a notice on the County's website and a written notice of emergency at the front door of the courthouse and at two prominent places in the affected areas in which such emergency is declared; in addition, thereto, he shall run an item in a newspaper of general circulation in the area in which such emergency has been declared.

Secs. 21-2-24—21-2-30. Reserved.

DIVISION 3. CHARGES

Sec. 21-2-31. Reading meters.

In order to facilitate the rendering of bills for water consumed and the collection thereof, the Director shall usually cause all water meters to be inspected and read monthly, but at least bi-monthly, in order that proper bills may be prepared and presented to each customer. Notwithstanding the foregoing, on occasion consumption may be estimated; however, not more than two (2) consecutive bills will be estimated except in emergencies. It shall be the responsibility of the owner, user and/or tenant of the premises to keep the meter box free from debris or any obstacle or animal which will hinder the reading of the meter.

Sec. 21-2-32. Collection generally; promulgation of rules and regulations.

Water and Sewer customers' accounts and collection shall be under the supervision and control of the Director, who may, from time to time, make such rules and regulations, subject to the approval of the County Administrator and the Board of Supervisors, as may be found necessary or deemed advisable under this Chapter and consistent with applicable law.

Sec. 21-2-33. Payments for water generally; service deposit by tenant.

- (A) A customer set up fee, found in the County's fee schedule adopted as an Appendix A to this Code, shall be charged on the first bill of every new water or sewer account whether established by a new customer or an existing customer, and on any account being transferred to a new responsible person. Water bills shall be paid at the County Treasurer's office or to an agent appointed to receive such payments. Any appointed agents are authorized to accept payments for the total amount due only. The Treasurer may appoint one or more agents to receive monies from the sale of water; however, all deposits or advance payments for water, refunds to depositors of advance payments for water, refunds to depositors of advance payments, refunds on account errors or other proper refunds shall only be made at the Treasurer's office. Bills shall be considered as paid only after the payment is properly validated by the Treasurer.
- (B) In addition to (A), persons applying for service to property that they do not own will be required to have the property owner submit to the Department a written authorization permitting such tenant or lessee to

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obtain water or sewer in the name of such lessee or tenant and the form of such authorization must comply with Section 15.2-2119.4 of the Code of Virginia. In addition, the County requires a deposit, to be held by the County as surety, without interest, so long as the service is continued to such tenant or lessee in an amount as required under Section 15.2-2119.4(B) of the Code of Virginia unless such deposit is not permitted pursuant to Section 15.2-2119.4(J). The deposit amount can be found in the County's fee schedule adopted as an Appendix A to this Code. Applicants may be granted one week for the posting of the deposit if the application is made other than in person. Deposits not received within such time shall be billed to the customer's account. When service is discontinued, the deposit shall be applied to the final bill, and if the deposit exceeds the amount owed, the excess will be refunded except as provided in Section 21-2-40 below. Delinquent charges, late fees, interest and other fees attributable to a under this Chapter shall accrue to a tenant or lessee as would apply to an owner.

State Law Reference(s) Authority for above Section, Code of Va., § 15.2-2119 and §15.2-2119.4.

Sec. 21-2-34. Payment per meter reading generally; relief in certain cases.

All water passing through a meter will be charged whether used or wasted, beginning with the installation of the meter; provided that, where underground leaks occur in water pipes or metered services and the owner, agent, or tenant shall have promptly made and provided adequate proof of all necessary repairs, the Director may rebate the amount which is in excess of double the amount of the average monthly bills for the premises. The Director may grant this relief where an unknown problem results in metered water consumption in excess of double the average monthly bills and, in the Director's judgment, the water was not beneficially used. Adjustments for an unknown problem will be limited to once in a three-year period per customer unless an extreme hardship exists. The average monthly bill shall be determined by averaging the monthly bills for the corresponding billing cycle from the previous three years. If there is insufficient historical billing data, the Director may determine the average monthly bill with the billing data available. Provided, however, that in no event shall an adjustment be made that would result in an amount less than necessary to cover the volume, administrative, and other costs for the water actually provided.

Sec. 21-2-35. Billing frequency.

Bills shall normally be rendered monthly. The Director may direct bimonthly billing of customers' accounts if deemed to be in the best interest of the County.

Sec. 21-2-36. Overdue bills; disconnection for nonpayment generally.

- (A) The due date for all utility bills for water and sewer service shall be 30 days from the issuance of the bill. If the total amount due for water or sewer service is not remitted by the due date, the account is deemed delinquent and consistent with Section 21-1-17 a late charge of ten percent of the amount due or \$10.00, whichever is greater, shall be assessed on all outstanding bills more than 30-calendar-days old. The late charge shall be applied once per account per delinquency regardless of the type of service provided (water, sewer, or both). A notice of delinquency will be issued if the delinquent amount and late charge are not paid within 30 days of the due date. In addition, all outstanding bills delinquent more than 30-calendar-days from the issuance of the bill will accrue interest at the rate and as set forth in Section 21-1-17. If a person is unable to pay the full amount due on the account, the Director may agree to a payment plan allowing the full amount due on the account to be paid over a specific period of time only if and as permitted by Applicable Law. No late charge shall be imposed for failure to pay any account, if such failure was not in any way the fault of the user consistent with Section 21-1-17. Interest on overdue amounts and late penalties shall apply as set forth in Section 21-2-17.

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- (B) If the delinquent charges, fees, and interest are not paid within 30 days after the due date for a commercial or industrial user, or 60 days after the due date for a residential user, the supply of water to the premises shall be discontinued unless specifically prohibited by Applicable Law. A written notice that water service will be discontinued shall be issued at least ten business days prior to cessation of service. If the delinquent charges, fees, and interest are not paid within those ten business days, water service will be discontinued. Notwithstanding the foregoing, certain provisions of other applicable law may prohibit the Director from discontinuing service for some users in accordance with the preceding clauses, in the event the Director determines it is not permitted by other applicable law to discontinue service for a specific user, the Director shall only discontinue such user's service at such later time when and if permitted by the other applicable law.
- (C) Payment in full of all delinquent charges, fees, and interest and a reconnection charge as may be found in the County's fee schedule adopted as Appendix A to this Code, payable in advance will be required before the water supply is restored. So long as the premises are occupied by the person who is in default on account of nonpayment of any such bill, including the appropriate reconnect charge, water shall not be restored to such premises. Water shall not be supplied to any premises on the application or for the benefit of any person who is in default by reason of nonpayment of any such bill, including the appropriate reconnect charge. If a user vacates the premises, the outstanding charges may be transferred to any other premises within the County where the user has service and if not paid within the time specified service may be discontinued at the latter premises.

State Law Reference(s) Authority for above Section, Code of Va., § 15.2-2119, §15.2-2119.1, and §15.2-2119.4.

Sec. 21-2-37. Charges when meter is broken.

If a water meter fails to register properly for any cause, and the customer has received the usual or necessary supply of water during the time of such failure of the meter to register, then it shall be lawful to bill the customer for such amount as is shown to be the average monthly amount of water consumed on his premises for the preceding six-month-period, if available, or for a longer period if deemed proper by the Director, or for the percentage of this consumption shown by the test of the meter. This section 21-2-37 also applies to users of sewer only with respect to a water meter from a non-County source.

Sec. 21-2-38. Application for water service where service exists.

Under the provisions of this Chapter as hereinafter provided, water or sewer may be supplied to any premises upon proper application to the Director, who shall work with the County Engineer, which application must be made at least three days prior to occupancy. In the event the occupant has failed to make application, he shall be secondarily liable for all water consumed and all sewer usage made from the previous regular reading, and the supply of water shall be shut off until such time as proper application is made.

Sec. 21-2-39. Responsibility of moving tenant; new service for delinquent user.

When the tenant of a premises using water and/or sewer is about to move, he shall give the Director at least three (3) days' notice thereof that the water shall be stopped, or he will be chargeable for any water that may pass through the meter before it was cut off and/or sewer use. Any user leaving a premises without paying for the water consumed or sewer used by him therein up to that time shall not have the use of water or sewer in the premises to which he may move until the amount so due from him shall have been paid; except that such service shall be provided on a lot or premises where the customer's landlord was paying utility bills for the customer and the customer was not in default in his payments to the landlord.

Sec. 21-2-40. Water service and volume charges.

- (A) *Charges.* The charges for water service shall consist of a service charge, plus a volume charge, as set by the Board of Supervisors from time to time and set forth in Appendix A. These charges are categorized as follows:
- (1) *Service charge.* All users billed monthly for water service in accordance with Section 21-2-35 shall pay the amount fixed from time to time by the Board of Supervisors for each meter.
 - (2) *Volume charge.* In addition to the service charges, the volume charges shall apply to all water delivered and are listed separately in the monthly bill.
- (B) *General provisions.*
- (1) Any bills rendered for less than a full billing period shall have the service charge prorated according to days of use, plus the actual volume charge; except that the minimum prorated bill shall be fixed from time to time by the Board of Supervisors for all services (water, sewer) combined. When service is discontinued, the deposit shall be applied to the final bill, and if the deposit exceeds the amount owed, then credit balances on final bills of less than \$5.00 shall not be refunded unless requested by the user in writing within six months of the date the final bill was issued. Credit balances to be refunded shall be mailed to the last known address of user on file with the Department.
 - (2) Charges shall begin as required by contract or when the appropriate connection fees are paid.
 - (3) Rates for service provided to contract users shall be established by contract with users; and such contract must be approved by the Board of Supervisors.
 - (4) The volume charge on multimeter installations shall be applied to the sum of the volume.

Secs. 21-2-41—21-2-80. Reserved.

DIVISION 4. CONNECTIONS; METERS

Sec. 21-2-81. Connections generally.

Upon approval of the application of an owner or tenant, water from the main in the street or alley shall be conducted to the property line of the applicant by means of a suitable service line, and there shall be placed on the service pipe near the property line a meter yolk and a water meter. All meters shall be the property of the County. The applicant shall be responsible for all charges after the meter has been set.

Sec. 21-2-82. Location of meter.

Meters, when located on premises and not in the street easements or alleys, shall in all cases be set in places accessible to the County including without limitation the Director, the Department and County Engineer, and each of their agents. The location of the meter, if on the premises, is to be approved by the Director and County Engineer. Should the meter be changed at the request of the owner from one location to another, the whole cost of such change shall be paid by the owner. In addition:

- (1) Water meters for new customer services shall be installed on the premises where practicable in a location which will assure against freezing or damage. They shall be installed as near as possible to the point of entry of the water service pipe. Customers shall be responsible for cost of repairs from the meter to the premises.
- (2) Water meters installed on the premises shall be used with an outside reading device.

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- (3) Water meters installed on the premises shall not be covered or so obstructed as to prevent ready access for maintenance or repairs.
- (4) After proper installation of water meters, all meters shall be sealed by the Department, which seals shall not be broken except by authority of the Department.
- (5) No water meter shall be moved or relocated except by Department employees.
- (6) Meters which cannot be installed on the premises will be installed at or near the property line.
- (7) Neither the County nor the Department shall not be held responsible for water damage caused by burst water meters or connections.
- (8) In case of meter damage causing leakage, the customer may shut off the water at the valve at the end of the service line.

Except for (4) and (5) above, this Section 21-2-82 specifically applies to persons who use a water source other than the County System, including a private well, community well system, or any other water source, where such person is connected to the County's sewer system or POTW. Water usage from such other system will be used for calculation of charges, such as volume charges, under Division 2 of Article III of this Chapter. The County must approve a person's meter on all water sources and for all wastewater which discharges into the County's sewer system or POTW. Such meter shall be subject to inspection and access by the County. In addition for any such person with premises using only County sewer services and not County water services (i) as to such water meter any authorized County employee or agent may access and inspect the same and is granted a right of entry to the premises to do so; and (ii) the person agrees to provide information related to its water consumption, billing, usage, any meter issues or repairs and any other necessary information as necessary and from time to time upon request to the County to the extent such is relevant in calculating any volume or other charges or amounts under this Chapter related to such County sewer or POTW services. A person whose premises are served only by the County's sewer and POTW, shall provide necessary information such as an issue or repair of their meter to the County within twenty-four hours of occurrence, and such person shall provide other information to the County from time to time upon request as is necessary for the County to enforce the provisions of this Chapter and for billing purposes.

Sec. 21-2-83. Liability of County for water failure; authority to shut off for repairs or additions.

No person shall be entitled to damages or to have any portion of a payment refunded for any stoppage of supply of water including without limitation any stoppage occasioned by choking or accident to either the service pipe or meter, or for the stoppage of water due to failure of the water supply, or for stoppage for the purpose of additions or repairs; and the Director or County Engineer shall have the right to shut off the water to make repairs, additions to pipes and meters, or other public purpose.

Sec. 21-2-84. Disconnection of meter.

No water meter shall be disconnected, moved or disturbed without the Director's approval.

Sec. 21-2-85. Damage to meter.

After a water meter is placed on the pipe supplying any premises, the owner of the premises shall be responsible for any damage to such meter. The cost of replacements or repairs shall be paid by such owner to the County; and in the event such bill for damages is not paid within five days after presentation, the Director shall cause the water to be turned off to the premises and shall not turn it on again until the charges shall have been paid. It shall be the duty of the Director to investigate and determine in each case the responsibility for the damage and the cost of the renewal or repairs.

Sec. 21-2-86. Setting meters; title to meters; installation charges.

All meters shall be set by the Director or their authorized agent and shall be the property of the County. No meter shall be set until proper application has been made and approved by the Director. The applicant upon installation of the meter shall be responsible for payment of all charges.

Sec. 21-2-87. Water connection fees—Generally.

Except as specifically set forth below, the costs and expenses incidental to any installation and connection to the County's waterworks shall be borne by the owner. The owner shall indemnify the County from any loss or damage that may directly or indirectly be occasioned by the installation of the connection.

The total water connection fee shall consist of costs and considerations associated with (1) a basic connection fee, (2) local facilities, (3) any applicable Service District additional connection fee, (4) offsite extensions, (5) an oversized main credit policy, to the extent applicable, and (6) any other fees or considerations set forth in this Chapter or as established by the Board of Supervisors on the fee schedule being Appendix A to this Code. Any fees shall be assessed all connectors, and the payment shall accompany the application for connection to.

- (1) *Basic connection fee.* The basic connection fee for all applicants is to cover the cost of the water meter and its installation and partial payment for backup facilities, water capacity and distribution system. The basic connection fee, which will be fixed from time to time by the Board of Supervisors and set forth on the fee schedule being Appendix A to this Code, shall be assessed all connectors, and the payment shall accompany the application for connection to the water system.
- (2) *Local facilities.* The connector shall pay for all local facilities subject to the application of the oversized mains credit policy.
 - (a) Where local facilities are not available to the connector's property, the connector shall be responsible for the full cost of the local facilities required to serve the connector's property. Developers of new subdivisions shall install local water facilities in accordance with the Director and County Engineer's specifications. Along any public right-of-way or easement where the property owner desires service for his own personal use (i.e., a single-family residential unit in which the owner intends to reside), the County will approve the extension of local facilities at the owner's expense.
 - (b) Where local facilities are available to the connector's property and where the costs of said local facilities have not been previously assessed against the property being connected, a local facility fee equal to such costs as determined by the Director and the County Engineer shall be required.
- (3) *Service District additional connection fee.* In any Service District, the availability of water capacity, certain mains, pump stations and local facilities are paid through debt service on bonds, funded by a special tax on real estate parcels within the district. An additional local facilities fee above the normal connection fees in place at the time of connection to County water service shall be imposed for each connection if so set forth in this Chapter or in any ordinance related to the applicable Service District.
- (4) *Offsite extensions.* The connector shall pay for all offsite extensions required to provide service to the connector's property, subject to the offsite and oversized mains credit policy.
- (5) *Offsite mains credit policy.* The Director shall give a credit against the basic water connection fee, not to exceed the actual cost of such oversizing or extension, for the specific property being served by any offsite water main extension in excess of 500 feet required to provide water service to that property. No credit shall be given for offsite extensions of less than 500 feet, and the amount of the credit shall

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be based upon the length of the extension greater than 500 feet. Credits for construction of the water main extension will be computed based on unit prices taken from recent bids received by the County or arms-length bids received by the applicant, whichever is less. Credits only apply against basic water connection fees and credits not used are lost. Credits will be lost if not used for the specific property being served by the offsite water main extension within five years of the date of execution of the utility service connection agreement unless a different expiration date or an extension is approved by the Board of Supervisors. The specific property, or portion thereof, being served by any extension must specifically be set out by the property owner in the utility service connection agreement for credits to apply.

- (6) *Credits for oversizing of lines and facilities by property owners.* Where the property owner extending the public water system is required to oversize lines or other facilities such that they are larger than necessary to adequately serve the property for the convenience of the County and at the County's specific request, credits against the basic water connection fee, not to exceed the cost of such oversizing, may be allowed in accordance with the following:
- (a) For lines and facilities located within the proposed subdivision or other development, the cost of oversizing shall be limited to the difference in estimated construction cost between the oversized facilities and facilities sized to serve only the proposed subdivision or other development ("the difference in estimated construction cost").
 - (b) For lines and facilities which are not located within the proposed subdivision or other development, the cost of oversizing shall be limited to the difference in estimated construction cost plus an additional 20 percent of the difference in estimated construction costs.
 - (c) The amount of oversizing credits shall be determined by the Director based on reviewing the County's current contracts, recent bids received by the County, other public bids for similar work performed in the area, or other objective criteria.
 - (d) Credits utilized shall be credited towards basic water connection fees due for the connection of units located on the property served by the extension as identified by the contract for such extension. In no event shall the credits utilized exceed the applicable water connection fees charged for improvements constructed on the identified properties. Credits shall expire five years from the date of the utility service agreement unless a different expiration date or an extension is approved by the Board of Supervisors. Any credits not utilized shall be void after the date of expiration.
- (7) *Offsite and oversized mains credit policy.* When a water main or other appurtenance provided is both offsite and oversized as specified in subsections (5) and (6) above, the amount of the credit shall be the sum of:
- (a) The difference in cost between the size of the water main or other appurtenance provided and the size of the water main or other appurtenance necessary to adequately serve the property for the onsite project and the first 500 feet of the offsite extension (oversizing credit) calculated and subject to those provisions set forth in (5) above; and
 - (b) 100 percent of the cost of the offsite extension in excess of 500 feet calculated and subject to those provisions set forth in (6) above.

Secs. 21-2-88—21-2-100. Reserved.

DIVISION 5. CROSS-CONNECTION CONTROL; BACKFLOW PREVENTION

Sec. 21-2-101. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this Division 5, except where the context clearly indicates a different meaning:

Air gap separation means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying pure water to a tank, plumbing fixture or other device and the rim of the receptacle.

Approved means accepted by the Director as meeting an applicable specification stated or cited in this Article or other applicable law, or as suitable for the proposed use.

Atmospheric vacuum breaker means a device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or subatmospheric pressure in a water system.

Auxiliary water system means any water system on or available to the premises other than the waterworks. These auxiliary waters may include water from another purveyor's waterworks; or water from a source such as wells, lakes, or streams; or process fluids; or used water. They may be polluted or contaminated or objectionable, or constitute a water source or system over which the water purveyor does not have control.

Backflow means the flow of contaminants, pollutants, process fluids, used water, untreated waters, chemicals, gases, nonpotable waters into any part of a waterworks.

Backflow prevention device means any approved device, method or type of construction intended to prevent backflow into a waterworks.

Backsiphonage means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

Barometric Loop means a fabricated piping arrangement rising at least thirty-five (35) feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against backsiphonage.

Consumer means any person who drinks water from a waterworks

Consumer's water system means any water system located on the consumer's premises, supplied by or in any manner connected to a waterworks.

Contamination means any introduction into pure water of microorganisms, wastes, wastewater, undesirable chemicals or gases.

Cross-connection means any connection or structural arrangement, direct or indirect, to the waterworks whereby backflow can occur.

Degree of hazard means an evaluation of the potential risk to health and the adverse effect upon the waterworks.

Double gate-double check valve assembly means an approved assembly composed of two (2) single, independently acting check valves including tightly closing shutoff valves located at each end of the assembly and petcocks and test gauges for testing the watertightness of each check valve.

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Health hazard means any condition, device or practice in a waterworks or its operation that creates, or may create, a danger to the health and well-being of the water consumer.

Interchangeable connection means an arrangement or device that will allow alternate but not simultaneous use of two sources of water.

Owner means any Person who has legal title to, license to operate, or license to inhabit, a property upon which a backflow preventer is required.

Pollution means the presence of any foreign substance (chemical, physical, radiological or biological) in water that tends to degrade its quality so as to constitute an unnecessary risk or impair the usefulness of the water.

Pollution hazard means a condition through which an aesthetically objectionable or degrading material may enter the waterworks or a consumer's water system.

Pressure vacuum breaker: A device containing one or two independently operated spring-loaded check valves and an independently operated spring-loaded air inlet valve located on the discharge side of the check or checks. The device includes tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valve(s).

Process fluid means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted which could constitute a health, pollution or system hazard if introduced into the waterworks. This includes, but is not limited to:

- (1) Polluted or contaminated waters;
- (2) Process waters;
- (3) Used waters originating from the waterworks which may have deteriorated in sanitary quality;
- (4) Cooling waters;
- (5) Contaminated natural waters taken from wells, lakes, streams or irrigation systems;
- (6) Chemicals in solution or suspension; and
- (7) Oils, gases, acids, alkalis, and other liquid and gaseous fluids used in industrial or other processes, or for firefighting purposes.

Program means this Chapter 21, Article II, Division 5 together with the County's Cross-Connection Control and Backflow Prevention Program Manual.

Pure water or Potable Water means water fit for human consumption that is sanitary and normally free of minerals, organic substances and toxic agents in excess of reasonable amounts and adequate in quantity and quality for the minimum health requirement of the persons served. For State Law reference, see Code of Va., § 32.1-167.

Reduced pressure principal backflow prevention device. A device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit shall include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks. These devices shall be of the approved type.

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Residential Dual Check means an assembly of two spring-loaded, independently operating check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.

Service connection means the point of delivery of finished water from a waterworks to a consumer's water system, fire protection system, irrigation system, and to all other points where finished water is delivered through the distribution system to a consumer. Generally, the service connection occurs at the water meter, or at the distribution main if no water meter is installed, or in the case of an owner of both the waterworks and the building supplied, the point of entry into the building. Service connections may be permanent, temporary, or emergency.

System hazard means a condition posing an actual, or threat of, damage to the physical properties of the waterworks or a consumer's water system.

Used water means any water supplied by a water purveyor from the waterworks to a consumer's water system after it has passed through the service connection.

Waterworks means system that serves piped water for human consumption to at least 15 service connections or 25 or more individuals for at least 60 days out of the year. All structures, equipment and appurtenances used in connection with the collection, storage, purification, treatment and distribution of pure water, except the piping and fixtures inside the building where such water is delivered.

Water purveyor. An individual, group of individuals, partnership, firm, association, institution. corporation, municipal corporation, county or authority which supplies water to any person in this county from or by means of any waterworks.

Water service entrance: That point in the owner's water system beyond the sanitary control of the Department; generally considered to be the outlet end of the water meter and always before any unprotected branch.

Waterworks means a system that serves piped water for human consumption to at least 15 service connections or 25 or more individuals for at least 60 days out of the year. "Waterworks" includes all structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of potable water except the piping and fixtures inside the building where such water is delivered.

History prior Sec. 21-2-2. - Definitions (Comp. 1974, ch. 12; Ord. 11-18-15).

Sec. 21-2-102. State regulations adopted.

The Board of Supervisors hereby adopts by reference the regulations of VDH, 12 VAC 5-590-10 et seq. regarding waterworks including the Waterworks Regulations. Specifically, the Board of Supervisors hereby adopts by reference Section 580, 600, 610 and 630, regarding cross-connection control and backflow prevention in waterworks, of the state Waterworks Regulations, as it may be amended from time to time, or applicable successor provisions. The provisions of this Article II, Division 5, shall apply to the Fork Union Sanitary District as well as to all other County waterworks.

History prior Sec. 21-2-1. - State regulations adopted (Comp. 1974, ch. 12; Ord. 11-18-15).

Sec. 21-2-103. Article supplementary to plumbing codes.

This division is a supplement to the applicable plumbing and other building codes.

History prior Sec. 21-2-7. – Article supplementary to plumbing codes (Comp. 1974, ch. 12).

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Sec. 21-2-104. Inspections generally.

It shall be the duty of the County through its Director and County Engineer to cause inspections to be made of properties served by the waterworks where cross-connection with the waterworks is deemed possible. The frequency of inspections and re-inspections, based on potential health hazards involved, shall be established by the County in the cross-connection control and backflow prevention program and as approved by VDH and the Board of Supervisors.

History prior Sec. 21-2-3. - Inspections (Comp. 1974, ch. 12; Ord. 11-18-15).

Sec. 21-2-105. Right of entry; inspection of property served by County waterworks.

In addition to rights of access under Section 21-2-4, the Director, County Engineer or any authorized representative of the County waterworks (which includes the Fork Union Sanitary District), as applicable, shall have the right to enter at any reasonable time properties served by a connection to the waterworks of the County or the Fork Union Sanitary District, as applicable, for the purpose of (i) inspecting the piping systems for cross-connections, (ii) inspecting structural or sanitary hazards, (iii) inspecting any known violations of this division or corrections related thereto; (iv) determining if violations of this division exist; or (vi) any other proper purpose under this Chapter. Upon request, the owner or occupant of property served shall furnish to the inspection agency pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of an unauthorized cross-connection and an unlawful violation of this Chapter.

History prior Sec. 21-2-4. - Right of entry of district representative; refusal of access or information deemed evidence of cross-connection (Comp. 1974, ch. 12).

Sec. 21-2-106. Denial or discontinuance of service; protection of waterworks.

No service connection shall be permitted by the County, including the Fork Union Sanitary District, unless the County's water system is protected as required by this division, and other Applicable Laws. Water service to any premises shall be discontinued by the County if the required backflow preventer is not installed, tested, and maintained, or if it is found that the required backflow preventer has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service shall not be restored until such conditions or defects are corrected. The Director or County Engineer may deny or discontinue the water service to a consumer if the required backflow prevention device is not installed by providing for a physical break in the service line until the owner has corrected the condition to the satisfaction of the Director. If it is found that the device has been removed or bypassed or if a cross-connection exists on the premises, or if the pressure in the waterworks is lowered below ten psi gauge, the County Engineer shall take positive action to ensure that the waterworks is adequately protected at all times. Water service to such premises shall not be restored until the deficiencies have been corrected or eliminated in accordance with State Waterworks Regulations and to the satisfaction of the Director and County Engineer.

History prior Sec. 21-2-5. – Denial or discontinuance of service; protection of waterworks (Comp. 1974, ch. 12).

Sec. 21-2-107. Protection of pure water; unsafe outlets to be labeled.

The potable water made available on the properties served by the waterworks shall be protected from possible contamination or pollution by enforcement of this division and the plumbing codes under Applicable Law. Any water outlet which could be used for domestic purposes and is not supplied by the pure water system shall be labeled as "Water Unsafe for Drinking" in a conspicuous manner.

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History prior Sec. 21-2-6. - Protection of pure water; unsafe outlets to be labeled (Comp. 1974, ch. 12; Ord. 11-18-15).

Sec. 21-2-108. Authority; responsibility; enforcement.

Pursuant to the Federal Safe Drinking Water Act of 1974 (42 U.S.C. Section§ 300f et seq.), as amended, and the Code of Virginia (see Section 32.1-167 et seq. of the Code of Virginia), as amended, the County, and its Fork Union Sanitary District, have the primary responsibility for preventing water from unapproved sources, or other liquids, mixtures or substances, from entering the public potable water system. Pursuant to the Waterworks Regulations and its provision for cross connection control and backflow prevention in waterworks (12 VAC 5-590-580 et seq.), as amended, as a condition for the issuance and continued used of the operation permit for the waterworks, each owner of a waterworks including the County, and Fork Union Sanitary District, shall establish and enforce a program of cross connection control and backflow prevention consistent with the extent of the system and the type of consumer served. In administering this Program, the County is required to establish and enforce local ordinances to prevent water from unapproved sources, or other liquids, mixtures or substances, from entering the public potable water system. The County's Program shall consist of Article II, Division 5 of this Chapter together with the County's Cross-Connection Control and Backflow Prevention Program Manual. The County's Cross-Connection Control and Backflow Prevention Program Manual shall be updated from time to time by the Director and approved by the Board of Supervisors.

The County is invested with the authority and responsibility for the implementation of the Program and for the enforcement of the provisions of the Program and shall be responsible for the protection of the public pure water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through a service connection. If, in the judgment of the Director or the County Engineer, an approved backflow-prevention assembly is required for the safety of the water system, the Director or the County Engineer shall give notice in writing to the owner to install such an approved backflow-prevention assembly(s) at specific location(s) on owner's premises. The owner shall install such approved assembly(s) at owner's expense; and failure, refusal, or inability on the part of the owner to install, test, and maintain said assembly(s) shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met. If the Director requires that the public supply of pure water be protected by containment, the owner shall be responsible for water quality beyond the outlet end of the containment device and must utilize fixture outlet protection for that purpose.

Any violation by an owner of this division including the Program shall consistent a violation of this Code and shall be subject to the provisions of Section 21-1Section-2, which is incorporated herein by reference as a material part hereof.

Sec. 21-2-109. Cross-connection control and backflow preventer requirements.

All required cross-connection control or backflow preventers or systems must be:

- (1) consistent with all requirements and provisions of the Program;
- (2) installed on the service line to an owner's water system before the first branch line leading off the service line; and
- (3) designed, installed and maintained in such a manner as to follow the Cross-Connection Control and Backflow Prevention Program Manual, U.S. Environmental Protection Agency, Office of Water Programs, Water Supply Division, 2003; the BOCA Basic Plumbing Code, 1978; and Section 580-630 of the Waterworks Regulations.

An existing backflow preventer shall be allowed by the County to continue in service provided that the degree of hazard and the effectiveness of the existing backflow preventer are compatible, and do not result in a risk to the public health. Where the degree of hazard has increased, as in the case of a residential service

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connection converting to a non-residential use such as a business establishment, any existing backflow preventer must be upgraded as required. A backflow preventer must be installed in the event that no backflow preventer was present or a degree of hazard exists as determined by the Director.

Sec. 21-2-110. County Program requirements; Customer Program requirements.

The County, and its Fork Union Sanitary District, shall:

- (1) Operate and enforce its Program in compliance with all Applicable Laws. This Program shall be carried out in accordance with the Virginia Uniform Statewide Building Code and shall be a continuing Program;
- (2) For new service connections, have its Director provide onsite evaluation and/or inspection of plans to determine the type of backflow preventer, if any, that shall be required of the owner;
- (3) For service connections existing prior to the adoption of this division, have its Director conduct evaluations and inspections of plans and/or premises and inform the owner in writing of any modifications or corrective action deemed necessary, the method of achieving the modification or corrective action and the time allowed for the modification or corrective action to be completed;
- (4) Not allow any cross connection to remain unless it is protected by an approved backflow preventer which shall be tested in accordance with the Program to ensure satisfactory operation;
- (5) Inform the owner of any failure to comply, the corrective actions required and the mandatory schedule for compliance; and
- (6) Discontinue water service immediately if the County determines at any time that a threat to the public health exists.

The Owner shall:

- (1) Be responsible for the elimination or protection of all cross connections and backflow on his premises at the owner's expense;
- (2) After having been informed in writing by the County, shall the owner's expense, install, maintain, and test, or have tested, all backflow preventers on his premises in accordance with the Program;
- (3) Notify the County immediately upon the occurrence any malfunction and correct any malfunction of the cross-connection control or backflow preventer which occurs or which is revealed by periodic testing at the owner's cost
- (4) Inform the County of any proposed or modified cross-connections and any existing cross connections of which the owner is aware, but the County may be unaware of;
- (5) Not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place;
- (6) Install and modify any cross-connection control and backflow preventers only in a manner consistent with the Program and approved by the County. The owner shall install only backflow preventers approved by the County. The connection, interconnection, or cross connection between a private well or other private water source and the County system, including any Fork Union Sanitary District systems, is strictly prohibited; and

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- (7) The owner shall be responsible for device testing and associated fees and costs of any kind. Device testing shall be performed only by qualified persons in accordance with the Program. Pursuant to the Waterworks regulations, starting January 1, 2023, persons testing and repairing backflow prevention assemblies and backflow prevention devices shall be certified by a Commonwealth of Virginia tradesman certification program (identified by the Department of Professional and Occupational Regulation as backflow prevention device workers). Until January 1, 2023, persons testing and repairing backflow prevention assemblies and backflow prevention devices shall be qualified to perform such work as demonstrated by possessing a certification or license from a local or state agency having legal authority or shall possess a certificate of completion of applicable vocational training acceptable to the owner.

State Law reference – Virginia Administrative Code Title 12, Agency 5, Chapter 590, Section 630.

Sec. 21-2-111. Notice of violations.

The County shall notify the owner of any building or premises in or on which there is found a violation of this Program, being this Chapter 21, Article II, Division 5, and the Cross-Connection Control and Backflow Prevention Program Manual. The County shall set a schedule by which the owner shall have the defect removed or corrected. Upon failure of the owner to have the defect removed or corrected within the specified time, the County may discontinue or deny service to such premises. Notwithstanding the foregoing, without any advance notice to the owner, the County may immediately discontinue service where such service would cause a threat to public health.

It shall be a violation of the Code for an owner to knowingly permit a violation to remain uncorrected after the expiration of time set by the County pursuant to this Section in accordance with Section 21Section-1-2 of the Code. Each day of failure to comply with the requirements of this Section, after the specified time, shall constitute a separate violation.

Secs. 21-2-112—21-2-114. Reserved.

DIVISION 6. PRIVATE WATER SUPPLY

Sec. 21-2-115. Private well standards.

Development utilizing a private well as a potable water source shall conform to the following criteria:

- (1) All bored wells shall have a minimum output of one gallon per minute. All bored wells shall contain storage capacity within the well for 24 hours of service.
- (2) All drilled wells shall have a minimum output of one gallon per minute and storage capacity for 24 hours of service. Drilled wells yielding more than three gallons per minute output shall not require such storage.
- (3) Storage capacity requirements shall be based on health department regulations on estimated water usage.
- (4) All wells, drilled or bored, shall be grouted to a minimum depth of 20 feet.
- (5) All wells, drilled or bored, shall be grouted by the well contractor within two business days of the completion of the well. The well borehole and casing shall be protected from surface water intrusion, foreign materials and animals until the grout is installed.

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- (6) A water sample shall be obtained by an individual approved by the health department and tested with negative results for coliform bacteria and compliance with all health department regulations for potable water prior to the issuance of a County certificate of occupancy.

Sec. 21-2-116. Permit required for private water wells.

- (A) In addition to any permit required by VDH for the construction of any private water well pursuant to Section 32.1-176.4 of the Code of Virginia or other applicable law, the owner of each property in the County shall obtain a County permit from Fluvanna County prior to the construction of any private water well for which a permit is required pursuant to the said Section 32.1-176.4 of the Code of Virginia. Such County permit issued by the County shall be issued jointly with, and upon the same terms as, the permit issued by the Commonwealth.
- (B) The applicant for a County permit hereunder shall pay to Fluvanna County a fee as set forth on that Fee Schedule, being Appendix A hereto.
- (C) Any applicant who shall be exempt from the payment of fees for the issuance of a permit for such system by the VDH shall likewise be exempt from the payment of any fee hereunder. Any applicant denied a construction permit based upon the regulations of VDH governing such construction and eligible for refund of the state application fee shall be eligible for refund of the County application fee upon the same terms.

History prior Sec. 21-1-6. – Permit required for private water wells (Comp. 1974, ch. 12).

Sec. 21-2-117. Approval of private water wells.

Notice must be given to the Board of Supervisors at least 90 days before any Person may begin construction of a private water supply serving any nonresidential or serving three or more residential connections. Notification to the Board of Supervisors must be given both 1) in writing to the Director, who shall inform the Board of Supervisors, and 2) in person before the Board of Supervisors at a regular meeting of the Board of Supervisors. Notice also shall be given to VDH, provided, however, that notice does not need to be given if the extension of water distribution piping has a diameter of eight inches or less and serves less than 15 equivalent residential connections or if not required under applicable law. The applicant must state in the notice that he or she gives the number and nature of connections to which service will be given under the certificate applied for, and the Board of Supervisors may require more information as the board deems necessary.

After the Director notifies the Board of Supervisors of the proposal, it may disapprove the proposal if it finds that such water system does not have an adequate source of supply or that the system is not capable of serving the proposed number of connections by reason of inadequate pipes, mains, conduits, pumping stations, or otherwise. In the event that the Board of Supervisors has not disapproved the application by the end of 70 days from the time the applicant appeared before the Board of Supervisors, the applicant may proceed with construction. However, he must first notify the chairman of the Board of Supervisors and the County Administrator by mail of his intention to proceed.

Service cannot be extended in excess of the number of connections for which approval has been given, and if extension is desired, the person desiring such must proceed in the same manner as in the case of an original application.

Any person who fails/refuses to notify the Board of Supervisors of either 1) construction or installation of a water system or 2) a proposed extension beyond the number of connections for which approval was originally given is in violation of this Code and shall be subject to Section 21-1-2. The same applies in the event that a proposal has been disapproved and the person proceeds despite being disapproved.

Notwithstanding the foregoing, all other provisions of applicable law including without limitation any zoning, site plan, special use permit, or related provisions of any ordinances and the Uniform Statewide Building

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Code apply in addition to the requirements of this Section and the Person shall also comply with and seek other required approvals if and as required by other applicable law.

Secs. 21-2-118—21-2-120. Reserved.

ARTICLE III. SEWAGE DISPOSAL SYSTEMS²

DIVISION 1. GENERALLY

Sec. 21-3-1. Purpose, Management and control of sewerage works generally.

The purpose of this Article is to provide for the maximum possible beneficial public use of the Fluvanna County treatment works through regulation of sewer construction, sewer use, and wastewater discharges; to provide for equitable distribution of the costs of the treatment works; and to provide procedures for complying with the requirements contained herein.

The Director who shall work with the County Engineer shall have the general management and control of the sewerage works of the County and the properties appertaining thereto.

History prior Sec. 21-4-1. – Purpose (Ord. 6-20-07; Ord. 11-18-15).

State Law reference— County's authority regarding public sewer, see Code of Va., § 15.2-2122 et seq. State law regarding public sewer, see Code of Va., § 62.1-44.2 et seq.

Sec. 21-3-2. Records of system.

The County Engineer shall maintain on file in his office suitable plans and records showing the size and location of all of the County wastewater sewerage system and appurtenances.

Sec. 21-3-3. Right of entry by County.

In addition to any other right of entry contained in this Chapter, every person occupying premises to which sewer service is provided shall permit any authorized County employee or agent to enter the premises at reasonable times to examine the service lines, valves, meters or other equipment and to take up, repair, replace, or remove them so as to determine compliance with this Code, this Chapter, or other County regulations or applicable law. Examinations shall comply with all constitutional requirements.

Sec. 21-3-4. Defacing or injuring system.

- (A) It shall be unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, injure, disturb, or tamper with any structure, manhole, vent, pipe, fixture, appurtenance or equipment which is a part of the County's sewerage system or any treatment works, or any appurtenances thereto.
- (B) It shall be unlawful for any unauthorized person to break, damage, destroy, uncover, deface, injure, disturb, or tamper with any structure, manhole, vent, pipe or other fixture connected with or a part of the County's sewerage system or any treatment works, or any appurtenances thereto.

²State Law reference(s)— General provisions for public utilities, Code of Virginia § 15.2-2109 et seq.; Sewage disposal systems generally, Code of Virginia § 15.2-2122 et seq.; Approval of sewage systems by counties, Code of Virginia, § 15.2-2126 et seq.; Miscellaneous services, etc., in certain Localities, Code of Virginia § 15.2-2157 et seq.; Sewage disposal, Code of Virginia § 32.1-163 et seq.; septic tank permits, Code of Virginia, §§ 32.1-164.1, 32.1-164.1:01.

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- (C) In addition to criminal charges arising under Section 21-1-2 related to any activities described in (A) and (B) above, such person shall be held liable for any repair or replacement to the County's sewerage system or any treatment works, or any appurtenances thereto.

History prior Sec. 21-4-6. – Vandalism (Ord. 6-20-07).

Sec. 21-3-5. Certain wastes prohibited.

It shall be unlawful to discharge or place or cause to be discharged or placed or to permit the discharging or placing into the POTW, including any public sewage system and any public sanitary sewer, or any portion thereof, any of the following waste, waters, pollutants, toxins, materials, substances, or effluents:

- (1) Any liquid or vapor having a temperature which is or is likely to contain heat in amounts which are likely to accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the treatment works or inhibit biological activity in the treatment facilities.
- (2) Any water or wastes including strong waste containing more than 250 mg/l of suspended solids or more than 250 mg/l of BOD or other characteristics in concentrations not normally found in sanitary sewage shall be considered strong wastewaters.
- (3) Any flammable or explosive liquid, solid or gas; and any other substance or material which does or is likely to create a fire or explosion hazard including, but not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas; and waste stream with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using test methods specified in 40 CFR 261.21;
- (4) Any garbage, debris, or other waste materials that has not been properly shredded including without limitation: (i) raw garbage other than from residential garbage grinders; (ii) ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, wax, whole blood, tar, plastics, hair and fleshings, entrails, paper dishes, cups, milk containers wood, paunch manure, or similar item or substance, whether such has been ground by a garbage grinder or is whole; and (iii) any other object or thing that causes obstruction of the flow in sewers or interference with the operation of the POTW or the sewer system.
- (5) Any waters or waste having a concentration of acidity and alkalinity of less than pH 5.0 or more than pH 9.0 or having any other corrosive property that causes or is likely to cause damage or injury or constitutes a hazard to the POTW's structures, equipment, or personnel.
- (6) Any wastewater containing a substance that injures or interferes or is likely to injure or interfere with any wastewater treatment process or which after treatment constitutes or likely to constitute or create any hazard to human life or the environment.
- (7) Any wastewater containing a substance that is not susceptible to treatment by a POTW.
- (8) Any wastewater containing a pollutant that passes through a POTW.
- (9) Any wastewater containing a substance that would render unlawful the operation of any wastewater treatment system or plant through which it passes.
- (10) Any wastewater, noxious or malodorous gas, vapor, fumes, or substances that creates a public nuisance or any hazard to human life or the environment.
- (11) Any stormwater, surface water, groundwater, subsurface water, roof runoff (unless part of a metered cistern-fed rainwater reuse system), uncontaminated cooling water, or unpolluted industrial process waters. Stormwater and all other unpolluted drainage shall not be discharged to the public sewer system but may be discharged into storm drains or natural outlets in accordance with Applicable Law.
- (12) Any gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, radioactive waste, steam

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- condensate, petroleum/non-biodegradable cutting or mineral oils, and any other substance which the County, state, or EPA has notified the user is a fire hazard to the system.
- (13) Solid or viscous substances which may cause obstruction to the flow in the sewerage or other interference with the proper and efficient operation of the sewage works or wastewater treatment facilities.
 - (14) Any waste or water containing pollutants or toxic or poisonous solids, liquids, or gases in sufficient quantity, either singularly or by interaction with other waters or wastes, in sufficient quantity at the point of entry into the system, to injure or interfere with any sewage works or wastewater treatment process, to constitute a hazard to humans, animals or the environment, create a public nuisance, create a toxic effect or any hazard in the receiving waters, or to exceed the limitations set forth in a categorical pretreatment standard.
 - (15) Any wastewater with a color objectionable to the Director not removed in the treatment process.
 - (16) Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 105 degrees Fahrenheit, or any liquid or vapor introduced into the POTW having a temperature of 140 degrees Fahrenheit or greater.
 - (17) Any pollutants, including oxygen-demanding pollutants, (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause interference.
 - (18) Any other material deemed by the Director to be inconsistent with the lawful operation or best management of the POTW.
 - (19) Any other material that the Director deems to be inconsistent with the best management and operation of the POTW.
 - (20) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
 - (21) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances or wastes requiring excessive disinfection, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Director for such materials.
 - (22) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, petroleum based 100 mg/l and animal/vegetable based 300 mg/l or containing substances which may solidify or become viscous at temperatures between 32- and 140-degrees Fahrenheit, except if otherwise specifically provided for in this Chapter.
 - (23) Any water or wastes containing phenols or other odor producing substances, in such concentrations exceeding limits which may be established by the Director as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
 - (24) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable state or federal regulations.
 - (25) Any wastes or waters containing suspended or dissolved solids of such character and quantity that unusual attention or expense is required to handle such materials at the POTW or related facilities.
 - (26) Any substance in an amount exceeding local limits as established by the Director. Local limits shall be enforced pursuant to this Article. Local limits shall also be used to establish permit limits.
 - (27) Any substance, discharge, water, wastewater or material which exerts or causes:

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- (a) Unusual concentration of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
- (b) Excessive odor or discoloration as determined by the Director for purposes of meeting the County's VPDES permit(s), as such permit(s) may be amended from time to time (such as, but not limited to, dye wastes and vegetable tanning solutions).
- (c) Unusual biochemical oxygen demand, chemical oxygen demand, or disinfection requirements in such quantities as to constitute a significant load on the sewage treatment works.
- (d) Unusual volume of flow, rate of discharge, or concentration of wastes constituting slugs loads, as defined herein, which is sufficient to cause interference in the operation and performance of the treatment facilities.

(28) Any trucked or hauled pollutants except as may be specifically approved the County.

If, in establishing discharge restrictions, discharge limits, or pretreatment standards pursuant to this Article, the Director establishes concentration limits to be met by a user, the Director in lieu of concentration limits, may establish mass limits of comparable stringency for an individual user at the request of such user. Upon approval by the State, such limits should become pretreatment standards.

History prior Sec. 21-4-28. - Restricted discharges (Ord. 6-20-07; Ord. 11-18-15).

Sec. 21-3-6. Removal of manhole covers.

It is unlawful for any person, other than a duly authorized County employee or a person with written permission from the Director, to remove any manhole cover.

Sec. 21-3-7. Grease traps.

All new food preparation facilities, such as restaurants and bakeries, shall be required to construct an outside grease trap or interceptor for the retention of grease, fats and oils generated by that business.

In addition, for any user, including any existing user, grease, oil and sand traps or interceptors shall be provided by the owner when, in the opinion of the Director, they are necessary for the proper handling of waters or wastes containing such ingredients or any other of a flammable or harmful nature.

All traps and interceptors shall be of a design and type and capacity approved by the Director and the County Engineer. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gas and watertight.

Where installed, all grease, oil and sand traps and interceptors shall be maintained by the owner, at the owner's expense, in continuously efficient operation at all times.

Sec. 21-3-8. Monitoring facilities.

- (A) A monitoring manhole shall be required on all new construction or renovations or modifications to existing facilities, where the discharge originating in the new, renovated or modified facility is, or will have the potential to be, nondomestic in nature.
- (B) The Director shall have the authority to require installation of a monitoring manhole in instances where the Director or the County Engineer determines that a manhole is required. The monitoring manhole shall be approved by the Director and shall be installed at the expense of the discharger.

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- (C) The discharger shall provide a monitoring manhole with a 24-inch opening to allow inspection, sampling and flow measurements of the building and/or internal drainage systems. The monitoring manhole shall be located upon the premises except in those instances when the Director determines that such a location would be impractical or cause undue hardship on the discharger, in which case, the Director may allow the manhole to be constructed upon County property or easements.
- (D) There shall be ample room in or near such monitoring manhole to allow accurate sampling and preparation of samples for analyses. The monitoring manhole shall be maintained at all times in a safe, accessible and proper operating condition at the expense of the discharger.

Sec. 21-3-9. Removal of plug from service line.

It shall be unlawful for any person to remove any plug from the sanitary sewer service line for any purpose other than to make a house connection. Such person shall dry the trench in which the house sewer is laid and remove the plug in such a way as to present the entry of any groundwater, surface water, trench water, silt or any combination thereof into the sewer system.

Sec. 21-3-10. Service to be provided to property line.

Upon approval of the application of an owner or tenant, sewer service will be provided from the existing main in the street, alley or easement to the property line of the applicant.

Sec. 21-3-11. Extensions to existing lines.

No extensions shall be made to existing sewer lines without written approval of the Director and the County Engineer. The application fee can be found in the County's fee schedule adopted as an Appendix A to this Code. Applicants for approval shall submit at least four copies of plans and specifications prepared by a registered engineer licensed to do business in the state. In the case of subdivisions, site plans and plans of development only, a licensed land surveyor may prepare plats, plans and profiles to the extent and in the manner permitted by Section 54.1-408 of the Code of Virginia. No construction shall commence until approval has been obtained from the County Engineer. Extensions to existing private lines is discussed in Section 21-3-_____.

Sec. 21-3-12. Connections to existing sewer lines.

- (A) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the County and abutting on any street, alley, right-of-way, or easement in which there is located a public sanitary or combined sewer of the County, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter. After the connection to the public sewer is made, an owner will be required to abandon all septic tanks, privies, cesspools and similar private sewage disposal facilities. The abandoned private sewerage facilities may be required to be filled with suitable material only after it has been determined by the appropriate local or state agency that a potential public health hazard exists or that the existence of the private sewerage system in an unfilled condition may cause an unsafe condition.
- (B) Mandatory connection; exceptions. Unless otherwise required in the Code, connection will not be required where:
 - (1) Providing public sewer to the property requires an extension of the sewer system which is more than an installation of a service lateral 400 feet in length;

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- (2) The house, buildings or properties used for human occupancy, employment, recreation or other purposes are located more than 400 feet from the nearest the public sewer;
 - (3) Such house, buildings or properties which at the time a public sewer is made available thereto are served by septic tank systems meeting County, VDH and state water control board requirements; provided that, such septic tank systems are operated and maintained at all times in strict conformance with the requirements of said governmental agencies having jurisdiction over such systems and are not altered, enlarged, modified, repaired or replaced without the appropriate approval(s) and permit(s) of such government agencies;
 - (4) Such buildings are outside the service area (the area where utility services are planned) as established by the County's comprehensive plan;
 - (5) Any one single-family residential unit, but not excepting a residential subdivision; or
 - (6) If the connection would need to be made directly to the force main.
- (C) Additionally, in any Service District, a building or structure constructed after the initial creation of the Service District pursuant to this Chapter shall be required to connect to the public sewer system whenever the distance from the public sewer system to the building or structure is 500 feet or less. Except that in a Service District, for one single-family residential dwelling not existing as of the inception of the applicable Service District located on a lot of record as of the same date, the distance for mandatory connection shall be 300 feet. Such connections shall be made, if approved by the Director, upon payment of a connection fee, which is set by the Board of Supervisors.
- (D) A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot such that no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. When this occurs, the building sewer serving the front building may be extended to the rear building and the whole considered as one building sewer. The County assumes no obligation or responsibility for damage caused by or resulting from any single building sewer which serves more than one building.

History prior Sec. 21-4-17. - Separate connections required (Ord. 6-20-07).

Sec. 21-3-13. Industrial cost recovery.

Users of the POTW or County's treatment works and treatment facilities will also be assessed industrial cost recovery charges if and as required by the Act or other applicable law.

History prior Sec. 21-4-45. - Industrial cost recovery (Ord. 6-20-07).

Sec. 21-3-14. Discharging sewage onto land or into water body.

It is unlawful under Applicable Law to discharge wastewater or septage without a VPDES permit to any natural outlet or on land within the County or in any area under its jurisdiction. Wastewater or septage discharges to the County's treatment works are not authorized unless permitted by the Director in accordance with provisions of this Chapter.

History prior Sec. 21-4-12. - Wastewater discharges (Ord. 6-20-07).

Sec. 21-3-15. Sewage disposal required.

It shall be unlawful for the owner of any house, warehouse, building or other structure where human beings congregate or are employed to use or occupy or to rent or lease the property for use or occupancy until such

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house, structure, place or building is supplied with an approved method of disposal of human excrement that complies with the requirements of Applicable Law and this Chapter.

History prior **Sec. 21-1-1** – approved method of disposal of human excrement required (Comp. 1974, ch. 12).

Sec. 21-3-16. Maintenance of sewage disposal system; pump-out requirement.

It shall be unlawful for any owner, tenant or lessee of premises supplied with a sanitary privy, flush toilet or other approved device for the disposal of human excrement and other household sewage to allow it or cause it to be unsanitary. All private sewage disposal systems, including conventional onsite sewage systems, alternative onsite sewage systems and alternative discharging sewage systems, are recommended to be pumped out at least once every 5 years, and records evidencing each pump-out be maintained by the owner of the premises. In addition, alternative onsite sewage systems and alternative discharging sewage systems shall have all manufacturer's recommended maintenance performed on the schedule prescribed by the manufacturer, and records of such maintenance retained by the owner of the premises as required by this Chapter.

Secs. 21-3-18—21-3-30. Reserved.

DIVISION 2. CONNECTIONS; FEES

Sec. 21-3-31. Connection by applicant.

Any person, the owner of a lot or parcel of land, desiring or required to have such lot or parcel of land connected to the sanitary sewer or County POTW, shall make application to do so to the Director. Persons applying for service to property that they do not own which is not connected to the County water system will be required to pay a customer set up fee and make a deposit as set out by the County's fee schedule adopted as Appendix A to this Code, or such deposit as the Director may deem necessary in consideration of anticipated consumption. The deposit shall not to exceed one anticipated billing period, to be held by the County as surety without interest, so long as the service is continued. Applicants may be allowed one week for the posting of the deposit, if the application is made other than in person. When service is discontinued, the deposit shall be applied to the final bill, and if the deposit exceeds the amount owed, then a balance on final bills of less than \$5.00 shall not be refunded unless requested by the user in writing within six months of the date the final bill was issued. Credit balances to be refunded shall be mailed to the last known address of user on file with the Department.

Sec. 21-3-32. Sewer connection fees—Generally.

Except as specifically set forth below, the costs and expenses incidental to any installation and connection to the County's treatment works shall be borne by the owner. The owner shall indemnify the County from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

The total sewer connection fee, as set by the County from time to time, shall consist of costs and considerations associated with (1) a basic connection fee, (2) local facilities, (3) any applicable Service District additional connection fee, (4) offsite extensions, (5) an oversized main credit policy, to the extent applicable, and (6) any other fees or considerations set forth in this Chapter or as established by the Board of Supervisors on the fee schedule being Appendix A to this Code. Any fees shall be assessed all connectors, and the payment shall accompany the application for connection.

- (1) *Basic connection fee.* The basic connection fee to all applicants represents a partial payment for backup facilities, treatment capacity and the public collection/distribution system. The basic connection fee, which will be fixed from time to time by the Board of Supervisors, shall be assessed all connectors, and

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- the payment shall accompany the application for connection to the sewer system. The basic connection fee shall be based upon water meter size or, if utilized, upon sewer meter size.
- (2) *Local facilities.* The connector shall pay for all local facilities subject to the application of the oversized mains credit policy.
- (a) Where local facilities are not available to the connector's property, the connector shall be responsible for the full cost of the local facilities required to serve the connector's property. Developers of new subdivisions shall install local sewer facilities in accordance with the Director and County Engineer's specifications and in accordance with any other provisions of this Code and applicable law. Along any public right-of-way or easement where the property owner desires service for his own personal use (i.e., a single-family residential unit in which the owner intends to reside), the County will have the local facilities extended at the owner's expense.
- (b) Where local facilities are available to the connector's property and where the cost of said local facilities has not been previously assessed against the property being connected, a local facilities fee equal to such cost as determined by the Director shall be required.
- (3) *Service District additional connection fee.* In any Service District, the availability of wastewater treatment capacity, pump stations, certain mains and local facilities are paid through debt service on bonds, funded by a special tax on real estate parcels within each district. An additional local facilities fee equal to 20 percent of the normal connection fees in place at the time of connection to County sewer service shall be imposed for each connection if no portion of the parcel was in the district prior to such district's creation.
- (4) *Offsite extensions.* The connector shall pay for all offsite extensions required to provide service to the connector's property, subject to the offsite and oversized mains credit policy.
- (5) *Offsite mains credit policy.* The Director shall give a credit against the basic sewer connection fee for any offsite sewer main extension in excess of 400 feet required to provide sewer service to the property. No credit shall be given for offsite extensions of less than 400 feet, and the amount of the credit shall be based upon the length of the extension greater than 300 feet. Credits for construction of the sewer main extension will be computed based on unit prices taken from recent bids received by the County or arms-length bids received by the applicant, whichever is less.
- Credits utilized shall be credited towards sewer connection fees due for the connection of units located on the property served by the extension as identified by the contract for such extension. In no event shall the credits utilized exceed the applicable sewer connection fees charged for improvements constructed on the identified properties. Credits shall expire five years from the date of the utility service agreement unless a later expiration date or an extension is approved by the Board of Supervisors. Any credits not utilized shall be void after the date of expiration.
- (6) *Credits for oversizing of lines and facilities by property owners.* Where the property owner extending the public sewer system is required to oversize lines or other facilities for the convenience of the County at the County's specific request, which includes increasing the depth of lines or other facilities, credits against the basic sewer connection fee, not to exceed the cost of such oversizing or extension, may be allowed in accordance with the following:
- (a) For lines and facilities located within the proposed subdivision or other development, the cost of oversizing shall be limited to the difference in estimated construction cost between the oversized facilities and facilities sized to serve only the proposed subdivision or other development ("the difference in estimated construction cost").

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- (b) For lines and facilities which are not located within the proposed subdivision or other development, the cost of oversized shall be limited to the difference in estimated construction cost plus an additional 20 percent of the difference in estimated construction costs.
 - (c) The amount of oversized credits shall be determined by the Director based on the County's current contracts, recent bids received by the County, other public bids for similar work performed in the area, or other objective criteria.
 - (d) Credits utilized shall be credited towards sewer connection fees due for the connection of units located on the property served by the extension as identified by the contract for such extension. In no event shall the credits utilized exceed the applicable sewer connection fees charged for improvements constructed on the identified properties. Credits shall expire five years from the date of the utility service agreement unless a different expiration date or an extension is approved by the Board of Supervisors. Any credits not utilized shall be void after the date of expiration.
- (7) *Offsite and oversized mains credit policy.* When a sewer main or other appurtenance provided is both offsite and oversized as specified in subsections (5) and (6) above, the amount of the credit shall be the sum of:
- (a) The difference in cost between the size of the sewer main or other appurtenance provided and the size of the sewer main or other appurtenance necessary to adequately serve the property for the onsite project and the first 300 feet of the offsite extension (oversizing credit) calculated and subject to those provisions set forth in (5) above; and
 - (b) 100 percent of the cost of the offsite extension in excess of 300 feet.

History prior Sec. 21-4-16. – Connection Costs (Ord. 6-20-07).

Sec. 21-3-33. Sewer service charges and rates—Generally.

- (A) *Charges.* The charges for sewer service shall consist of a service charge, plus a volume charge, as set by the Board of Supervisors from time to time and set forth in Appendix A. These charges are categorized as follows:
- (1) *Service charge.* All users billed monthly for sewer service in accordance with Section 21-2-35 and shall pay the amount fixed from time to time by the Board of Supervisors for each water meter or sewage meter which serves the premises to which sewer service is available.
 - (2) *Volume charge.* In addition to the service charges, the volume charge shall apply, based on measured volume of water or wastewater, and that charge is listed separately in the monthly bill. For residential units, other than multifamily, monthly sewer volume charges shall be based on the lesser of actual usage or usage determined from the first meter reading cycle of the calendar year. For the purpose of this provision, if the first reading is estimated as provided in Section 21-2-31 or if the user joins the system after the first reading cycle, or an allowance is made for an underground leak during the first billing cycle, billing shall not exceed charges for 15,000 gallons for other than a single-family residential unit, and 8,000 gallons for a single-family residential unit. For users of sewer service only, Section 21-2-82 applies to the calculation and reading of non-County water meters for volume charges. Water meters shall be read in accordance with Article II of this Chapter.
 - (3) *Strong waste and Industrial waste charges.* In addition to the foregoing charges, there will be charged to applicable individual users a strong waste charge and an industrial waste charge as fixed from time to time by the Board of Supervisors.
- (B) *General provisions.*

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- (1) Any bills rendered for less than a full billing period shall have the service charge prorated according to days of use, plus the actual volume charge; except that the minimum prorated bill shall be fixed from time to time by the Board of Supervisors for all services (water, sewer) combined. Credit balances on final bills of less than \$5.00 shall not be refunded unless requested in writing by the user within six months of the final bill. Credit balances to be refunded shall be mailed to the last known address of user on file with the Department.
- (2) Charges shall begin as required by contract or when the appropriate connection fees are paid.
- (3) Rates for service provided to contract users shall be established by contract with the users.
- (4) The volume charge on multimeter installations shall be applied to the sum of the volume.
- (5) Whenever any user obtains all or part of the water supply from sources other than the water distribution system of the County, the quantities of wastewater may be determined either from the total metered water consumption from both County and private supplies or from the metered quantities of wastewater discharged into the wastewater system. All meters on private supplies and all wastewater meters shall be provided and maintained to produce an accurate record of the true quantities of water and wastewater discharged into the wastewater system. All costs of meter installation, calibration and maintenance shall be borne by the user. The type of meter shall be approved by the County Engineer, and the meter shall be accessible at all times for inspection by the County Engineer.

Sec. 21-3-34. Same—Relief in certain cases.

Where the sewer charge is based on the amount of sewage entering the system and if an allowance is made for an underground water leak, then an allowance may be made against the sewer charge for the same quantity of sewage as the quantity of water allowed. Reference is hereby made to Section 21-2-34.

Sec. 21-3-35. Same -- Payments for sewer generally; service deposit by tenant.

Sewer bills and deposits shall be paid at the Treasurer's office or to an agent appointed to receive such payments as otherwise provided in this Chapter. Collection generally, promulgation of rules and regulations, Payment for sewer generally, service deposits by tenants, overdue bills, late fees, interest and disconnection for nonpayment of sewer services are addressed in Sections 21-2-32, 21-2-33, 21-2-34, 21-2-35, 21-2-36, 21-2-37, 21-2-38, 21-2-39 and 21-1-17.

Secs. 21-3-36—21-3-60. Reserved.

DIVISION 3. INDUSTRIAL PRETREATMENT

Sec. 21-3-61. Categorical pretreatment standards.

All persons subject to categorical pretreatment standards shall comply with the requirements of any applicable federal categorical pretreatment standard, including all reporting requirements of the general pretreatment regulations set forth at Section 403.12, Title 40 of the CFR and with any applicable, stricter local limits contained in the County's pretreatment program or required by law or agreement or this Chapter. No person shall discharge or cause to be discharged to any POTW wastewaters containing substances subject to an applicable categorical pretreatment standard in excess of the quantity prescribed in such categorical pretreatment standards.

History prior Sec. 21-4-29. – Categorical pretreatment standards (Ord. 6-20-07).

Sec. 21-3-62. Permit required—Existing and new users.

- (A) All significant industrial users proposing to connect to or to contribute to the POTW shall obtain a permit before connecting or contribution to the POTW. In addition, it shall be unlawful for any significant discharger and any person, without having first obtained a wastewater discharge permit from the Director, to discharge, cause to be discharged, or permit to be discharged into the POTW any substance which requires control or treatment by the discharger in order to:
- (1) Make or render the substance susceptible to treatment by the wastewater treatment plant or avoid deleterious effects upon the POTW or treatment facilities, processes, equipment, or receiving waters, or constitutes a public nuisance or hazard; or
 - (2) Prevent the pass through of such substance through the POTW; or
 - (3) Prevent interference by such substance with the normal operation of the POTW; or
 - (4) Continue the lawful operation of the POTW.
- (B) A permit shall be required of (i) each industrial and commercial user listed in the Act or to which the Act may apply, (ii) each person who discharges a substance requiring, in the Director's judgment, control due to a wastewater constituent, its character, volume or strength, or (iii) if required by the POTW or this Chapter.
- (1) While the Director should initially rely upon the Federal Categorical Pretreatment Standards to protect wastewater facilities or receiving waters, if any wastewater which contains substances or possesses characteristics shown to have deleterious effect upon the treatment works or treatment facilities, processes, equipment, or receiving waters, or constitutes a public nuisance or hazard, is discharged or is proposed for discharge to the wastewater sewers, the Director may require any or all of the following:
 - (a) Pretreatment by the user or discharger to a condition acceptable for discharge to the treatment works;
 - (b) Control over the quantities and rates of discharge;
 - (c) The development of compliance schedules to meet any applicable pretreatment requirements;
 - (d) The submission of reports necessary to assure compliance with applicable pretreatment requirements;
 - (e) Carry out all inspection, surveillance, and monitoring necessary to determine compliance with applicable pretreatment requirements;
 - (f) Obtain remedies for noncompliance by any user. Such remedies may include injunctive relief, the civil penalties specified in Article IX of this Article, or appropriate criminal penalties; or
 - (g) Reject the wastewater if evidence discloses that discharge will create unreasonable hazards or have unreasonable deleterious effects on the treatment works or treatment facilities.
 - (2) When considering the above alternatives, the Director shall assure that conditions of the County's permit are met. The Director shall also take into consideration cost effectiveness, the economic impact of the alternatives, and the willful noncompliance of the discharger. If the Director allows the pretreatment or equalization of wastewater flows, the installation of the necessary facilities shall be subject to review.
 - (3) Where pretreatment or flow-equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner.

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- (c) Applicants must submit an application fee required by Appendix A with their application for the permit. In support of the application, the person applying for the permit shall submit, in units and terms appropriate for evaluation, the following information:
- (1) Name, address, and location, (if different from mailing address of applicant); and
 - (2) SIC number according to the Standards Industrial Classification Manual, Bureau of the Budget, 1987, as amended; and
 - (3) Wastewater constituents and characteristics including but not limited to those mentioned in Section 21-3-5 of this Article as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended; and
 - (4) Time and duration of contribution; and
 - (5) Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations, if any; and
 - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by their size, location and elevation; and
 - (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged; and
 - (8) The nature and concentration of any pollutants in the discharge. A statement identifying the applicable pretreatment standards and requirements, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the User to meet applicable categorical pretreatment standards; and
 - (9) If additional pretreatment and/or operation and maintenance will be required to meet the categorical pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
 - (i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - (ii) No increment referred to in paragraph (i) shall exceed one year.
 - (iii) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress; the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than one year elapse between such progress reports to the Director; and
 - (10) Each product produced by type, amount, process or processes and rate of production; and
 - (11) Type and amount of raw materials processed (average and maximum per day); and
 - (12) Number of type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system; and

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(13) Any other information as may be deemed by the County to be necessary to evaluate the permit application.

The County will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the County may issue a user permit subject to terms and conditions provided herein.

(d) Each permit shall:

- (1) Require discharge standards that meet the Act, Applicable law, and this Chapter; and
- (2) Require the discharger to meet the reporting requirements under the Act, Applicable Laws and regulations, and this Chapter, including self-monitoring report requirements; and
- (3) Require all pretreatment to comply with the Act, Applicable Laws and regulations, and this Chapter; and
- (4) Specify that violations of permit conditions, including those for reporting, constitute a violation of Fluvanna County Code; and
- (5) Require the applicant to submit the permit fee required by Appendix A; and

(e) In the case of promulgation of any revised, new or amended categorical pretreatment standard or related Applicable Law, the user permit of users subject to such standards shall be revised to require compliance with such standard if they are more restrictive than the local limits developed by the POTW within the timeframe prescribed by such standard and shall submit any required revisions to their Permit or the information required by subsection (c) within 180 days of the issuance of such standard. Where a user, subject to a categorical pretreatment standard, has not previously submitted an application for a user permit as required by subsection (c), the user shall apply for a user permit within 180 days after the promulgation of the categorical pretreatment standard. Any revised, new or amended Applicable Law which is more stringent shall immediately supercede the otherwise applicable provisions of this Article.

History prior Sec. 21-4-35. – User permits (Ord. 6-20-07); Sec. 21-4-39. – Wastewater with special characteristics (Ord. 6-20-07); and Sec. 21-4-42. – Effect of federal law (Ord. 6-20-07).

Sec. 21-3-63. Permit—Conditions.

- (a) All significant dischargers and persons subject to categorical pretreatment standards who discharge to the POTW or otherwise required to have a permit under Section 21-3-62, shall comply with the requirements of any applicable federal categorical pretreatment standard and all Applicable Law, including all reporting requirements of any applicable federal pretreatment regulations, along with any applicable, stricter, local limits. More stringent limitations shall be imposed by the Director in those cases where he deems it appropriate to do so. In the case of conflict, the more stringent limitations shall apply.
- (b) Each permit shall contain specific limits imposed on the discharge for which the permit is being issued.
- (c) A schedule for self-monitoring, to include frequency, required analyses and specific conditions required for the discharge, are to be included in each permit.
- (d) Each permit shall contain a compliance schedule for those dischargers who cannot meet permit limits when issued, but who can be expected, by installation of additional equipment, change in operation or other factors, to comply within a reasonable amount of time. This provision, however, does not require the Director to allow for a compliance schedule. Compliance schedules in lieu of immediate compliance are at the Director's discretion.

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- (e) Each authorized representative of the permit holder shall take instruction annually from the Virginia Department of Environmental Quality on waste minimization.
- (f) Each permit holder shall immediately notify the Director when slug discharges occur. Additionally, each permit holder must provide written notification to the Director within five (5) days of a slug discharge.
- (g) The Director may include the following as permit requirements: recordkeeping; reporting; compliance with specific effluent standards; monitoring; sampling; analysis; installation of monitoring facilities; installation and use of other technological equipment necessary for compliance with this Chapter and the use of best management practices for the reasonable reduction of the volume, strength and toxicity of wastes discharged to the POTW; a slug discharge control plan; and to make and carry out inspections, monitoring, sampling, analysis, and surveillance.
- (h) The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure accuracy.
- (i) Each permit may contain any additional conditions deemed appropriate by the Director.

Sec. 21-3-64. Same—Amendments; expiration; reapplication.

- (a) Permits may be amended by the Director from time to time:
 - (1) For the purpose of incorporating changes in federal, state, or local law or requirements;
 - (2) When existing permit conditions are determined by the Director to be inadequate to ensure compliance with the requirements of the Act, any state requirements or the requirements of this Chapter;
 - (3) To impose the terms of a compliance schedule; or
 - (4) To address any modifications, changes, replacements, or repairs at any facility relating to discharges or discharge systems which are subject to a permit
- (b) Permits shall be issued for no longer than five years. Applicants desiring to continue to discharge substances after the expiration of the permit shall submit to the Director a reapplication not less than 90 days prior to the permit's expiration date. Reapplication shall be processed in accordance with the initial application procedure.
- (c) The permit holder shall notify the County of any changes to its operation which may impact the regulated substances, the permit, or the wastewater discharged.
- (d) Persons required to have a permit or pretreat wastewater in accordance with this Article shall have an authorized representative of the Owner sign all permit applications and related reports, and such must also be certified by a qualified professional. At least annually, Persons required to have a permit or pretreat wastewater in accordance with this Article shall provide a certification to the Director indicating whether applicable permit and pretreatment requirements are being met on a consistent basis and, if not, describing the additional operation and maintenance or additional pretreatment required for the user to meet the permit or pretreatment requirements. Such certification must also be certified by a qualified professional. If additional pretreatment or operation and maintenance will be required to meet the permit or pretreatment requirements, the user shall submit a plan (including schedules) to the Director as described in Section 21-3-62. The plan (including schedules) shall be consistent with applicable conditions of the County's Permit and Applicable Law.

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History prior Sec. 21-4-40. – Compliance with pretreatment requirements (Ord. 6-20-07); and Sec. 21-4-43. – Certification (Ord. 6-20-07).

Sec. 21-3-65. Suspension or revocation.

- (a) The Director is authorized and empowered to make rules for the suspension or revocation of permits. Such rules shall provide for reasonable notice to the permit holder of a possible revocation or suspension and opportunity for a hearing. The rules may provide for suspension or revocation when:
 - (1) The permit holder is no longer in compliance with either the applicable effluent standards or the permit requirements;
 - (2) The substance discharged by the permit holder reasonably threatens the health, safety, or welfare of the public;
 - (3) A substance discharged by the permit holder presents a danger to the environment; or
 - (4) A substance discharged by the permit holder interferes with or threatens the lawful operation of the POTW.
- (b) Upon suspension of a permit, discharge of all substances by the permit holder shall cease until all violations are corrected to the satisfaction of the Director.
- (c) Upon revocation of a permit, discharge of all substances by the former permit holder shall cease unless and until a new permit is issued.

Sec. 121-3-66. Correction of violations.

- (a) Each permit holder shall, at all times, observe the permit conditions. If the Director reasonably believes that the permit requirements are being or have been violated, the Director will notify the permit holder in writing of each violation. Within seven days after notice, the permit holder shall provide the Director a written report including a description of the action being taken to correct the violation, a statement of the date by which the violation will be corrected, and any other information required by the Director. Notwithstanding this requirement to give notice, nothing in this Section shall prevent the Director from immediately suspending or revoking a permit.
- (b) Each permit holder shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the permit holder's own expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director with the permit application. The detailed plans shall be reviewed for approval by the Director before a permit is issued. In the case of an accidental discharge, it is the responsibility of the permit holder to immediately call to notify the County of the incident. The notification shall include a description of the discharge, type of waste, concentration and volume, and proposed corrective actions. Initial notice shall be followed within five days by written notice which shall include the same information as well as a description of measures taken by the user to prevent similar future occurrences.

Sec. 21-3-67. Notice to employees.

- (a) A notice shall be permanently posted on the permit holder's bulletin board and near each location where wastes may be discharged advising employees whom to call in the event of an accidental or unlawful discharge.

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- (b) Each permit holder shall have an employee education program, whereby the employees involved in waste management are instructed as to the requirements of the permit holder's permit. A copy of the program shall be submitted with each permit application.

Sec. 21-3-68. Permit not transferable.

The discharge permit is not transferable. It is issued for a specific operation based upon information submitted. Any new dischargers shall apply for a new permit.

Sec. 21-3-69. Inspection and sampling.

- (a) The County shall inspect the facilities of any discharger to determine compliance with this Chapter or any permit issued pursuant to this Chapter. Persons or occupants of premises where wastewater is created, discharged, or monitored shall allow the Director ready access at all reasonable times and at all parts of the premises for the purpose of inspection, sampling and records examination or other performance of his duties.
- (b) When required by the Director, the owner of any property serviced by a building sewer carrying industrial user wastewater discharges shall provide suitable access and such necessary meters and other devices in the building sewer to facilitate observation, sampling, and measurement of the wastewater. Such access shall be in a readily and safely accessible location and shall be provided in accordance with plans approved by the Director. The access shall be provided and maintained at the owner's expense so as to be safe and accessible at reasonable times.
- (c) The Director shall consider such factors as the volume and strength of discharge, rate of discharge, quantities of toxic materials in the discharge, treatment facility removal capabilities, and cost effectiveness in determining whether or not access and equipment for monitoring significant dischargers and industrial user wastewater discharges shall be required.
- (d) Where the Director determines access and equipment for monitoring or measuring significant dischargers or industrial user wastewater discharges is not practicable, reliable, or cost effective, the Director may specify alternative methods of determining the characteristics of the wastewaters discharge which will, in the Director's judgment, provide a reasonably reliable measurement of such characteristics.
- (e) Measurements, tests, and analyses of the characteristics of wastewater required by this Article shall conform to 40 CFR, Part 136 and be performed by a qualified laboratory. When such analyses are required of a discharger, the discharger may, in lieu of using the County's laboratory, make arrangement with any qualified laboratory, including that of the discharger, to perform such analyses.
- (f) Fees for any given measurement, test, or analysis of wastewater required by this Article and performed by the County shall be the same for all classes of dischargers, regardless of the quantity or quality of the discharge and shall reflect only direct cost. Costs of analyses performed by an independent laboratory at the option of discharger shall be borne directly by the discharger.

History prior Sec. 21-4-37. – Provision for Monitoring (Ord. 6-20-07).

Sec. 21-3-70. Confidential information.

All records and information received are subject to the Virginia Freedom of Information Act and shall be public except that information constituting trade secrets or otherwise subject to an exception by State Law may not be subject to mandatory public disclosure if the owner of such information specifically and properly identifies the same and complies with all requirements of the Virginia Freedom of Information Act in requesting such information not be disclosed.

Sec. 21-3-71. Local limits.

Local limits shall be the most stringent of all those limits set for the treatment plants serving the waterworks and all other applicable limits set by the Waterworks Regulations, Applicable Law and this Code.

Sec. 21-3-72. Violations, penalties and notices.

- (a) Any person who violates any provision of this division, any permit conditions, or the terms of any compliance schedule entered into with the Director shall be guilty of a misdemeanor and, upon conviction thereof, be punished in accordance with Section 21-1-2 of this Chapter. Each violation shall constitute a separate offense.
- (b) At least seven days before commencing legal action, the Director shall make reasonable efforts to give written notice, to the violator or discharger, of any violations of either this division or the permit conditions. However, this Section does not limit in any way the Director's authority to execute, without notice, a search warrant in order to secure information necessary for prosecution of known or suspected violations. Furthermore, if the Director determines that the violations pose an immediate threat to the health, safety or welfare of the public, the environment, or the POTW, then no notice shall be required, and the Director may immediately initiate corrective enforcement action.
- (c) In order to remedy a violation of either this division or the permit conditions, the Director may, in addition to other remedies available, do any or all of the following:
 - (1) Seek equitable relief in a court of law;
 - (2) Disconnect all of the sewer connections of the discharger and plug his sewer line; and
 - (3) Discontinue County water service.
- (d) Annually, in a local paper of general circulation in the County, the Director shall publish a list of significant violators of pretreatment standards.

Sec. 21-3-73. Damage to the POTW.

If any drainage or substance discharged results in any deposit, obstruction or damage to the POTW, related appurtenances, or other real or personal property, or alters the nature or quality of the sludge generated by the wastewater treatment plant so as to increase the cost of either safe sludge removal or sludge disposal, then the person causing such deposit, obstruction or damage shall be liable for the cost of all such damage and/or prompt repairs or removals.

History prior Sec. 21-4-38. – Costs of damage (Ord. 6-20-07).

Sec. 21-3-74. Specifically prohibited discharges.

- (a) No industrial user of the POTW shall discharge or cause to be discharged into the system the following liquids or materials:
 - (1) Any material which creates or may create a fire or explosion hazard at any point in the POTW, including, but not limited to, waste-streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius, using test methods specified in applicable federal regulations.
 - (2) Any material which has a pH below 5.0, unless specifically approved by the Director based on a finding that the POTW will accommodate such material
 - (3) Any material which would cause corrosive structural damage to any part of the POTW.
 - (4) Any solids or viscous matter, such as, but not limited to, oil and grease, in an amount which may cause obstruction or interference in the POTW.

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- (5) Any material, including oxygen-demanding matter, that, by its constituents, character, volume, strength, or any combination thereof, may cause or contribute to an interference with the normal operation of the POTW.
 - (6) Heat to a degree which would inhibit biological activity or cause wastewater treatment plant influent temperature to exceed 40 degrees Celsius or 104 degrees Fahrenheit.
 - (7) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil in amounts that would or could cause interference or pass through.
 - (8) Matter that would or could result in the presence of toxic gases, vapors, or fumes in the POTW in a quantity or concentration that could cause worker health or safety problems.
 - (9) Any radioactive waste or isotopes of such half-life or concentration that do not comply with regulations or permits issued by the appropriate authority having control over their use, or which may cause damage or hazard to the POTW or its personnel, or pass through the POTW into the environment.
 - (10) Any trucked or hauled matter, unless specifically approved by the Director.
- (b) If the Director finds that any of the waters, wastes, or effluent set forth above are being discharged into the POTW, the industrial user will cause such discharge to be discontinued or will provide and install such facilities, devices, and equipment as necessary to prevent the consequences resulting from the discharge of such waters, wastes or effluent into the POTW. The character and capacity of the facilities, devices and equipment shall be acceptable to the Director, and shall be installed so as to be readily and easily accessible for observation, maintenance, operation, sampling, cleaning and inspection. The cost of providing, installing, maintaining, cleaning and operating these facilities, devices and equipment shall be borne by the industrial user. If the industrial user fails, refuses, or neglects to provide, install, maintain, clean or operate such facilities, devices and equipment, or fails, refuses or neglects to do so in a proper and efficient manner, then the industrial user will pay to the County such charges as the Director may proscribe for treating the effluent discharged by the industrial user into the POTW to prevent the negative consequences therefrom.

Sec. 21-3-75. Jurisdictional enforcement—Nonexclusive.

Enforcement of pretreatment violations will generally be in accordance with the County's Enforcement Response Plan pursuant to Section 21-3-76. The Director may take any, all, or any combination of actions against a noncompliant industrial user as specified in the plan; however, the Director may take other action against any industrial user when the circumstances place at risk the health, safety, and welfare of the public, the POTW, or personnel of the POTW.

Sec 21-3-76. Enforcement Response Plan.

- (a) The Director shall develop and administer an Enforcement Response Plan (ERP) to provide a systematic method to enforce the provisions of this Division 3, of Article III. This plan shall contain detailed procedures indicating how the Department will investigate and respond to instances of noncompliance. The plan shall, at a minimum:
- (1) Describe how the Department will investigate instances of noncompliance;
 - (2) Describe the types of escalating enforcement responses the Director will take in response to violations and the time periods within which responses will take place;
 - (3) Identify (by title) the official(s) responsible for each type of response; and
 - (4) Adequately reflect the Director's responsibility to enforce all applicable pretreatment requirements and standards, as detailed in this Article.

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- (b) *Significant noncompliance with ERP.* The term significant noncompliance may be applicable to any industrial users and shall mean a violation which meets one or more of the following criteria:
- (1) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all of the wastewater measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement as defined by 9 VAC 25-31-10;
 - (2) Technical Review Criteria (TRC) violations, defined as those in which 33 percent or more of all of the wastewater measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirements as defined by 9 VAC 25-31-10 multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
 - (3) Any other violation of a pretreatment standard or requirement as defined by 9 VAC 25-31-10 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of Departmental personnel or the general public);
 - (4) Any discharge of a pollutant that has caused imminent danger to human health, welfare or to the environment or has resulted in the Director's exercise of his emergency authority to halt or prevent such a discharge;
 - (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
 - (6) Failure to provide, within 30 days after the due date, required reports, including but not limited to baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - (7) Failure to accurately report noncompliance; or
 - (8) Any other violation or group of violations which the Director determines will adversely affect the operation or implementation of the County's pretreatment program.
- (c) *Appeal to Director.* Any person objecting to a notice of violation issued by the Director under this Division 3 of Article III shall have the right to appeal the same to the Director. Such appeal shall be filed in writing with the Director within 30 days or, if sooner, the time specified for compliance in the Director's notice of violation. The Director shall review the notice of violation, the degree of hazard to the integrity of the sanitary sewer system, the immediacy of the threat to the public health and safety, and the possibility of long-term damage to the environment posed by such violation. Based upon such criteria the Director may affirm, modify or vacate any ERP action.
- (d) *Immediate suspension under certain circumstances.* Notwithstanding the provisions of this Section, the Director may take any action under Section 21-3-72 concurrently with any action allowed under this Section and whenever the Director determines that a person is discharging substances into the public sewer system which pose an immediate threat to the health, safety or welfare of the public, the environment, the public sewer system or the wastewater treatment plant, the Director shall immediately suspend any discharge permit issued to such person and shall discontinue County water and/or sewer service to such person.

Secs. 21-3-77—21-3-80. Reserved.

DIVISION 4. PRIVATE SYSTEMS GENERALLY

Sec. 21-3-81. When connection to private sewer required.

Except if required to connect to the County public sewer system pursuant to this Chapter, if a private sewer is within 300 feet of the building or structure for which a septic tank or other local wastewater disposal system is proposed to be installed, the owner of the building shall connect to the same, if the owner of the private sewer consents. If a private sewer is within 300 feet of a building for which a septic tank or other local wastewater disposal system is to be repaired, the owner shall connect to the sewer if the health officer determines that correction of an unsanitary condition due to a malfunctioning sewage disposal device would necessitate major repairs, and the owner of the private sewer consents.

Sec. 21-3-82. Costs of connection to sewer generally.

When connection to a public sewer is required, costs shall be set by the Board of Supervisors.

Sec. 21-3-83. Promulgation of rules and regulations; procedure for correction of defects and violations; violation of orders, etc.

- (a) The Virginia Department of Health (VDH) shall establish all necessary rules, regulations, procedures and specifications for the administration of Divisions 4 through 8 of this Article III and the protection of the health, safety and welfare of the public.
- (b) If, upon investigation, the health officer or his authorized agent shall find any violation or apparent violation of such divisions or the provisions of the permit issued under such divisions, or that any conventional onsite sewage system, alternative onsite sewage system, alternative discharging sewage system, privy, closet, toilet, drainage system or any part thereof is detrimental to life or health, the health officer shall issue a notice of apparent violation or order directing the owner or occupant to abate, remove, suspend, alter, improve or otherwise correct the condition or violation as specified in the notice or order. A copy of each such notice or order shall be provided to the Fluvanna County Director of Community Development. If the owner does not comply with the health officer issued notice under the provisions of this Section within ten days after the service thereof or within such other period of time as may be specified in the order, the health officer may order the premises vacated.
- (d) Whenever the health officer issues an order under the provisions of subsection (b), he shall send a copy of such order to the owner or occupant of the premises and may placard the premises by posting a copy of such order on the front of the building.
- (e) Whenever the health officer issues an order requiring the vacation of the premises under subsection(c) of this Section, he shall serve a copy of such order on the occupant and the owner of the property or his agent if names and addresses can be ascertained.
- (f) The order of vacation of the premises shall be posted on the front of the building at least ten days before it shall be effective unless the situation is of a character requiring immediate action, in which case the effective time of the order shall be such as in the judgment of the health officer is reasonable and proper.
- (g) Service of any notice, order or other paper under this Section shall be deemed sufficient if sent by registered or certified mail, or delivered by hand by an agent of the health department or by any mode prescribed by law.
- (h) It shall be unlawful for any person to remove any notice or order posted on any building by the health officer except with the written permission of the health officer.
- (i) It shall be unlawful for any person to occupy or permit others to occupy any building which has been posted with an order of the health officer requiring the same to be vacated, until a written statement shall have been secured from the health officer showing that the conditions have been corrected and that the building has been made to comply with this Article or other applicable existing law.

Sec. 21-3-84. Misuse or neglect of toilets, etc.

It shall be unlawful for any owner or any tenant or occupant of any premises properly supplied with a sanitary privy, flush toilet or other approved device for the disposal of human excrement to misuse or neglect the same, so as to cause it to be unsanitary.

History. Prior Section 2—1-3 - Misuse or neglect of toilets, etc. (Min. Bk. 5, pp. 95-96, 144; Min. Bk. 7, p. 277; Comp. 1974, ch. 12).

Sec. 21-3-85. Certain plans for new subdivisions.

It shall be unlawful for any person to begin construction of any new dwelling, subdivision, housing development, building or structure designed for use by human beings before furnishing plans and specifications of the sewer system or sewage disposal system to be used, together with plans for the anticipated water system. These plans and specifications must be approved by the health department before the issuance of a building permit. The approval of the health department shall not be required where the proposed water and sewage disposal systems are under the jurisdiction of the County Engineer.

When any method of sewage disposal other than public sewer is planned for the service of any lot or parcel of land, the building official shall not issue a building permit until after receipt of written notice from the health department that such lot or parcel of land has been inspected and is believed to be suitable for the plans and purposes stated as the intended means of sewage disposal. Any restriction or qualification of such health department approval will be stated on the written inspection report sent to the office of the building official.

Sec. 21-3-86. Approval of private sewage systems.

Notice must be given to the Board of Supervisors at least 90 days before construction can begin on a sewage system that is to serve or will be capable of serving any nonresidential connections or serving three or more residential connections. The applicant must notify the Board of Supervisors both 1) in writing to the Board of Supervisors c/o the Director and County Engineer, who shall inform the Board of Supervisors and 2) in person at a regular Board of Supervisors meeting. The applicant must state in the notice the number and nature of connections to which service will be given under the certificate applied for, and the Board of Supervisors may require more information as necessary.

After the Director and County Engineer notify the Board of Supervisors of the proposal, it may disapprove the proposal if it finds that such sewage system is not capable of serving the proposed number of connections by reason of inadequate pipes, conduits, pumping stations, force mains, or sewage treatment plants or is otherwise inadequate to render the proposed services. However, if the Board of Supervisors has not disapproved the application by the end of 70 days (from the time the applicant appeared before the Board of Supervisors), the applicant may proceed with construction. However, he must first notify the chairman of the Board of Supervisors by mail of his intention to proceed. The Board of Supervisors may deny an application for a sewage system if such denial appears to be in the best interest of the inhabitants of Fluvanna County.

Service cannot be extended in excess of the number of connections for which approval has been given, and if extension is desired, the person desiring such must proceed in the same manner as in the case of an original application.

Any person who fails/refuses to notify the Board of Supervisors of either 1) construction or installation of a sewage system or 2) a proposed extension beyond the number of connections for which approval was originally given shall be subject to criminal charges arising under 21-1-2 related to such violation of this Chapter. The same applies in the event that a proposal has been disapproved and the person proceeds despite being disapproved.

As set forth in Section 21-1-11, any approval under this Section shall be required in addition to any other permits, approvals or conditions which may be required for the construction and not in lieu thereto.

Secs. 21-3-87. Application contents.

The application for a permit required under Article III, Division 4, 5, 6, or 7 shall be made to the health department and the applicant shall furnish at minimum the following:

- (1) Description, location and dimensions of the land or lot on which the septic tank and/or distribution system is to be installed or repaired.
- (2) Approximate location of proposed dwelling on such lot.
- (3) Number of bedrooms in proposed dwelling.
- (4) Whether dwelling will have automatic laundry, dishwasher or garbage disposal.
- (5) Description of type of water supply.
- (6) When required, a plat showing the location of existing buildings, water supply and sewage disposal.
- (7) Percolation tests of specific lots to determined soil characteristics shall be made if indicated and requested by the department. Percolation test procedures shall be in accordance with state health department regulations.
- (8) Plat showing sites to be inspected, including primary and secondary drainfield sites.
- (9) Any other information required to be disclosed under State law or this Code or which would be necessary for the health department to review the application.

Secs. 21-3-88—21-3-90. Reserved.

DIVISION 5. CONVENTIONAL ONSITE SEWAGE

Sec. 21-3-91. Permit for installation and repair.

- (a) It shall be unlawful for any person to install, modify or repair, have installed, modified or repaired, allow to be installed, modified or repaired or contract to install or repair a septic tank system individually or for another person without first obtaining from the health officer a septic tank permit. The applicant shall furnish the description, location and dimensions of the land or lot on which the septic tank, distribution box and drain tile are to be installed, proposed and/or existing structures and driveways, underground utilities, adjacent soil absorption systems, bodies of water, drainageways, wells and springs within 200 feet of the proposed building site and the plans and specifications of the whole septic tank system intended to be installed, modified or repaired and the location of a reserve drainfield of adequate size, and the location and soils to be used as the sole drainfield, if needed. Upon approval of such application, the health officer shall issue a permit to the applicant for the installation or repair of such septic tank system in accordance with the plans and specifications furnished. If the plans are not approved, but the size and topography of the lot and type of soil are suitable for a septic tank system, properly planned, the health officer shall allow the plans to be modified and grant the permit only when the plans are proper and acceptable to him or her. The applicant for a County permit hereunder shall pay to Fluvanna County a fee as set forth on that Fee Schedule, being Appendix A hereto.
- (b) Upon receipt of an application as above set forth, and after the applicant shall have paid to the County Treasurer a permit application fee in the amount fixed from time to time by the Board of Supervisors, the health officer shall, before the issuance of the septic tank system permit, determined whether or not the land or lot of the applicant is suitable for the installation and use of a septic tank system. The health officer shall follow the sewage handling and disposal regulations of VDH. In addition, the health officer shall ensure that individual septic systems are located on the same lot or parcel as the building to be served by the septic system, and that the septic system is not located within ten feet of any wetland, resource protection areas,

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reserve drainfields and, if applicable pursuant to this Code, requirements of any applicable proffers or condition.

- (c) The health officer shall thereupon issue a permit to the applicant for the installation of such septic tank system in accordance with the plans and specifications furnished.
- (d) The permit application fee shall not be refundable in any case.
- (e) The health officer shall have the right to suspend or revoke any permit issued by him or her for the installation or repair of a septic tank system whenever the information furnished in or with the application is found to be materially false or incorrect.
- (f) Maintenance is defined as performing adjustments to equipment and controls or in-kind replacement of normal wear and tear parts that does not require a construction or building permit such as adjustment or replacement of light bulbs, fuses, filters, pumps, motors, sewer lines, conveyance lines, distribution boxes, header lines, or other like components. Maintenance includes pumping the tanks or cleaning the building sewer on a periodic basis. Maintenance shall not include replacement of tanks, drain field piping, subsurface drain fields, or work requiring a construction permit and installer. A conventional onsite sewage system installer may perform maintenance work limited to in-kind replacement of light bulbs, fuses, filters, pumps, sewer lines, conveyance lines, distribution boxes, and leader lines.

Sec. 21-3-92. Reserve drainfield.

A reserve sewage disposal site with capacity equal to or greater than the primary drainfield must be provided wholly on each lot or parcel for new construction if required under Applicable Law. The 100 percent reserve sewage disposal site requirement is determined not to apply under Applicable Law, then VDH sewage handling and disposal regulations shall apply. Building shall be prohibited on the area of all primary and reserved sewage disposal sites until the structure is served by public sewer or an onsite sewage treatment system which operates under a permit issued by the Virginia Department of Environmental Quality.

Sec. 21-3-93. Specifications—Generally; inspections.

All septic tank systems installed or repaired in this County shall consist of a sewer line from the building to the tank, septic tank, distribution box and drain tile purification field. The sewer line shall be of vitrified cast iron sewer pipe, vitrified clay sewer pipe, concrete sewer pipe, asbestos cement sewer pipe or transite pipe. The joints shall be watertight and made in accordance with the Virginia Uniform Statewide Building Code. The entire system shall be built in accordance with the plans and specifications shown on the permit. The sewer line from the building to the septic tank, including all necessary connections, shall be subject to inspection and approval by the County, and approval of the septic tank by the health department.

- (A) In addition to any other rights of entry established under this Chapter, the Director or authorized state or federal officials, bearing the proper credentials and identification, shall have the right to enter all premises where an effluent source or treatment system is located at any reasonable time for the purposes of inspection, observation, measurement, sampling and/or copying records of the wastewater discharge to ensure that discharge to the treatment works is in accordance with the provisions of this Chapter.
- (B) The Director and his agents shall be permitted to enter all private property through which the County holds an easement for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of any of the County's treatment works and for any other proper purposes under the easement. All entry, and any subsequent work on the easement, shall be done in accordance with the terms of the easement. Notwithstanding the foregoing, nothing herein shall limit any rights of the County under any easements or under Applicable Law.

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- (C) While performing any necessary work on private properties referred to in subsections (A) and (B) above, the Director shall observe all safety and occupational rules established by law and shall make a reasonable effort to accommodate the operations and practices of the owner or occupant of the property and applicable to the premises.

History prior Sec. 21-4-5. – Inspections (Ord. 6-20-07).

Sec. 21-3-94. Same—Excavations; trees.

All excavations and trenches shall be of sufficient dimensions to permit sewers, tanks and other structures of the sizes specified to be properly placed therein according to plans and specifications as required by this Chapter and to permit removal of any obstructing material within the purification field, or trees located closer than ten feet to any part of the septic tank system. Where it is necessary to remove any tree(s), this must be done prior to installation and final inspection and approval of the septic tank system.

Trees within ten feet of a septic tank system may interfere with its proper functioning and create a public health problem. In such case, whether the trees were spared when the system was installed or were allowed to grow after it was finally inspected and approved, the responsibility for effecting correction shall be with the owner. Correction shall be made according to health department directions, which may include the requirement that any or all trees within ten feet of any part of the system be removed. This does not limit any other rights of the County in enforcing any rights it has under any easement or Applicable Law related to removal or excavation of trees.

Sec. 21-3-95. Same—Re-excavation; inspection before filling; backfilling.

Where unsuitable foundation is encountered at the depth of any excavation shown on the drawing or specified by the health officer, further excavation and refilling of the excavated spots with such foundation material as may be directed by the health officer are hereby required.

A representative of the health officer shall inspect septic tank construction after completion and before any part of the system shall be covered. Septic tank systems shall be backfilled immediately after inspection and approval by the health officer. Care shall be taken not to disturb the pipe, grades, joints or alignment by the backfilling or otherwise. If any septic tank system or part thereof is covered before being finally inspected and approved as herein prescribed, it shall be uncovered by the installer at the direction of the health officer.

Sec. 21-3-96. Same—Pipes and jointing materials.

The size, type of materials and method of installation of the house sewer shall comply with the requirements of the Virginia Uniform Statewide Building Code and other Applicable Law.

Sec. 21-3-97. Same—Location.

- (a) Location and installation of the sewage disposal system and each part thereof shall be such that with reasonable maintenance it will function in a sanitary manner and will not create a nuisance or public safety hazard nor endanger the safety of any domestic water supply. In determining a suitable location for the system, consideration shall be given to the nature of the soil, size and shape of the lot, slope of natural and finished grade, depth of groundwater table, proximity to existing or future water supplies, and possibility for expansion of the system.
- (b) No part of the system shall be located so that it is nearer to any water supply than 50 feet or so the surface drainage from its locations may reach any domestic water supply.

- (c) The health officer or VDH may in an appropriate case modify the requirements of this Section where it finds that such modification will not adversely affect any other requirements of this Article concerning water supply and disposal of sanitary wastes.
- (d) Installations in low swampy areas with a high-water table or in areas which may be subject to flooding are prohibited.

Sec. 21-3-98. Same—Design generally.

Design of the septic tank shall be rectangular in shape, and the length shall be not less than twice nor more than three times the width. The liquid depth shall be not less than four feet or greater than eight feet, and the freeboard or airspace shall be not less than one foot.

Sec. 21-3-99. Same—Capacity.

Liquid capacity of all septic tanks shall be based upon the number of bedrooms contemplated in the building served and shall conform to Table 1, herein shown, or as specified by the health department.

TABLE 1. CAPACITY OF SEPTIC TANK

Dimensions of Septic Tank					
Potential Capacity of Home (Number of bedrooms)	Capacity of Septic Tank (gallons)	Length	Width	Airspace	Liquid
2 or less	750	7 ft. 0 in.	3 ft. 6 in.	1 ft. 0 in.	4 ft. 0 in.
3	900	8 ft. 0 in.	4 ft. 0 in.	1 ft. 0 in.	4 ft. 0 in.
4	1200	9 ft. 0 in.	4 ft. 6 in.	1 ft. 0 in.	4 ft. 0 in.
5	1500	9 ft. 6 in.	4 ft. 6 in.	1 ft. 0 in.	4 ft. 7 in.
6	1800	10 ft. 0 in.	5 ft. 0 in.	1 ft. 3 in.	4 ft. 8 in.
7	2100	10 ft. 6 in.	5 ft. 0 in.	1 ft. 3 in.	4 ft. 9 in.

Sec. 21-3-100. Same—Construction of tank.

Construction of the tank shall be such as to assure its being watertight and prevent the entrance of rainwater or surface drainage.

- (1) The tank shall be constructed of sound and durable material not subject to excessive corrosion or decay.
- (2) Adequate access to each compartment of the tank for inspection and sludge removal shall be provided by manholes and removable covers. Manholes shall be provided at both inlet and outlet ends of septic tanks to make inlet and outlet tees readily accessible. Where the top of the tank is located more than 18 inches below the surface of the ground, manholes shall be built up to a minimum of 18 inches from the surface.
- (3) Inlet and outlet connections shall be submerged or baffled to assure the least possible disturbance in the tank.
 - a. The inlet pipe or baffle shall extend approximately six to eight inches below and eight to ten inches above the surface, and the outlet shall extend approximately two feet below and eight to ten inches above the water surface.
 - b. Satisfactory venting of the tank shall be provided through the inlet and main building stack. The outlet shall be similarly vented to provide proper ventilation of the disposal field or seepage pits back into the septic tank and thence through the main building stack.

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- (4) Septic tanks shall be poured in place concrete, precast concrete, concrete block or other acceptable material.
 - a. Concrete septic tanks, poured in place, shall be poured with a standard concrete mixture of 1-2-3 mix. Where the excavation is subject to caving or where the water table is objectionably high, outside forms and pumping will be required in order to assure a watertight tank. The walls, top and bottom of the tank are to be not less than four inches thick and reinforced to withstand all anticipated loads at the time the septic tank permit is issued.
 - b. Precast concrete tanks shall be of a design and size as specified by the health department as stated on the permit and shall be made with a standard 1-2-3 mixture. The walls, top and bottom shall be not less than two and one-half inches in thickness and reinforced to withstand all anticipated loads at the time the septic tank permit is issued. The precast tank may be made in two sections or more with a horizontal half-lap joint cement grouted. The bottom and top portions of the side walls shall be poured monolithically.
 - c. Concrete or solid block tanks, if installed, shall have a minimum wall thickness of six inches laid on solid concrete base, and cores of cocks shall be filled with cement mortar. Vertical reinforcing rods shall be spaced approximately 12 inches on center. The interior of the tank shall be surfaced with one-half inch thick coat of Portland cement mortar. Wherever precast slabs are used as covers, slabs shall have a thickness of at least three inches and shall be adequately reinforced.
- (5) Any design, size, capacity or construction of a septic tank which is not permitted by VDH shall not be used. Where VDH has no applicable regulations or those in this Code provide for higher standards, this Code shall apply.

Sec. 21-3-101. Same—Subsurface purification field; location.

- (a) Location of the purification field should be in an unobstructed and unshaded area, and the distances given shall be the minimum which the disposal field can be located from the following:
 - (1) Any water supply (except as noted below) 50 feet
 - (2) Streams 25 feet
 - (3) Dwellings 15 feet
 - (4) Excavations for dwellings 10 feet
 - (5) Property lines 10 feet
 - (6) Top edge of banks or cuts 10 feet
- (b) When existing wells are involved or exceptionally coarse soil formations are encountered, the 50-foot distance from any water supply shall be increased in accordance with the recommendation of the health department.
- (c) On otherwise acceptable previously recorded lots, the requirement of subsection (a)(5) above may be reduced to not less than five feet where necessary to permit proper installation of the disposal field.

Sec. 21-3-102. Same—Distribution box and connections.

A distribution box of sufficient size to accommodate the necessary field lateral lines shall be installed or constructed at the head of each purification field.

- (1) Each field lateral line shall be connected separately to the distribution box and shall not be subdivided.

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- (2) The invert of all outlets shall be level or as specified by the health department, and the inlet invert shall be at least one inch above the outlet.

Sec. 21-3-103. Same—Minimum seepage area; percolation test.

- (a) The minimum seepage area (total flat bottom of trenches) of the drainfield shall be determined by the health officer. In making this determination, the health officer may refer to:
 - (1) Such pertinent data as that accrued from scientific examinations of the soil, the records and advice of the soil consultant and the accumulated experience and recommendations of the health department.
 - (2) Whenever the health officer deems necessary, he may require the applicant to conduct a percolation test on the site of the proposed drainfield, the results of which may be included as part of the basis for the determination of a minimum seepage area. All percolation tests are to be conducted under the direction and supervision of the health department, whether done to help determine the suitability of a site for a septic tank system or to aid in determining the area required for a drainfield.
- (b) All percolation tests shall be made at the expense of the applicant and shall be made only by such persons as shall have been approved to conduct such tests by the health officer. Approval shall be granted only to such persons as shall present proof of sufficient training and experience in field sanitation work to conduct proper percolation tests.
- (c) All percolation tests shall be performed in accordance with State law, and specifically in accordance with 12 VAC 5-610-490, "Characteristics of soil that determine suitability" and by the method described in Appendix G, "Percolation Test Procedure and Percolation Test Data Forms", thereto which publication is hereby adopted by reference insofar as it relates to percolation tests.
- (d) The results of all percolation tests, when completed, shall be notarized and submitted to the health department for interpretation, accompanied by a diagram showing the location of all percolation test holes.
- (e) Absorption area design must comply with 12 VAC 5 -610-950, "Absorption Area design", and other applicable law.
- (f) A percolation rate of 120 minutes per inch or more is unsuitable for any system. A specially designed system may be permitted, if feasible, subject to the approval of VDH and subject to all applicable requirements of the County and applicable law. Provisions for such systems are specified in Division 6 (residential alternative onsite sewage systems). Special design shall not be construed to mean increased size of septic tank or drainfield.

Sec. 21-3-104. Same—Construction; specifications, etc.

- (a) *Construction.* Construction shall be in accordance with recommendations of the County health department, and further shall be in accordance with the Virginia Statewide Building Code, Waterworks Regulations, building requirements of the Code, and all other Applicable Law and Sections of this Code.
- (b) *Specifications.* All piping for the lines between the septic tank and distribution box shall be of suitable size and material for the location thereof. All piping and all trenches in a purification field shall be in accordance with recommendations of the County health department and any minimum standards required under Applicable Law. Filter material shall be hard and durable and shall be acceptable to the health department. Grade board shall be used and secured when and where required by the health department.
- (c) *Covering septic tank system not permitted.* No part of the septic tank system may be covered with a building or with relatively or completely impervious structures such as driveways, patios, asphalt, or other solid surface, or cooking facilities or garages.
- (b) *Draining waste into street gutters and roadside ditches.* It shall be unlawful for any person to drain any wastewater from kitchen sinks, lavatories, bathtubs, shower baths and laundry tubs or any other fluid or liquid waste into street gutters or public highway road ditches.

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- (c) *Reservation of area for future use.* If and as required by 21-3-92 of this Chapter, a suitable area at least equal in size to the original total drainfield must be reserved free from any of the installations mentioned in this Section for use in the event that the original drainfield must be abandoned and replaced.

Sec. 21-3-105. Contractor—Permit for installation, repair or cleaning.

- (a) Any person contracting to install, repair or clean septic tanks in the County for another person shall first obtain a permit to do such work. To obtain a permit, the person shall apply to the health department of the County. The permit will be issued if the applicant appears to be qualified and equipped to do such work.
- (b) Permits shall be renewed annually, and a permit may be revoked for failure to comply satisfactorily with this Chapter.

Sec. 21-3-106. Same—Equipment.

No person shall engage in the business of cleaning septic tanks in the County unless and until the equipment to be used by such person in connection with the operation of such business complies with the following standards and has been inspected and approved in writing by the health department.

- (1) The tank into which the septic tank sludge is pumped or delivered and carried shall be fully enclosed and watertight.
- (2) All inlets and outlets to such tank shall be fully enclosed and provided with water tight valves.
- (3) Suction and discharge hose shall be watertight, and provision shall be made for carrying in a manner that will prevent any leakage therefrom.
- (4) All exposed surfaces shall be painted and maintained in a sanitary condition by frequent washings.
- (5) The name and address of the person owning or operating such equipment shall be painted thereon in letters at least four inches high.
- (6) Such person maintains a manifest containing the following information on each load:
 - a. The name and address of the customer;
 - b. The address of the load's origin;
 - c. The nature and volume of the waste;
 - d. The kind of facility serviced, e.g., grease trap, septic tank, etc.;
 - e. The date of the servicing; and
 - f. The location of the discharge.

A copy of the manifest must be presented to representatives of the County and the County sheriff upon request.

Sec. 21-3-107. Disposal of wastewater, etc.

- (a) It shall be unlawful to dispose of truck-hauled wastewater and other material removed from septic tanks or other sources except, with the written permission of the health officer, by depositing it under the surface of the ground in such a manner that it will not be exposed to the atmosphere or endanger the source of domestic water supply, or by depositing it into a sewerage system or sewage treatment plant at such designated locations and under such conditions as may be approved by the Director and the health officer or in such other manner as the health officer shall direct. In any event, the material shall be carefully deposited, and the surface of the ground, manholes, tanks or other receptacles into which the deposit is made shall be maintained in a sanitary condition. Any spillage material on the surface shall be promptly and completely removed.

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- (b) Persons engaged in the business of disposing of liquid waste and other material removed from septic tanks, portable toilets and other sources may dispose of such material in accordance to the following provisions:
- (1) No material may be deposited into a sewerage system in conflict with other provisions in this Code.
 - (2) Any persons disposing of sewage, sludge or other material shall be liable for a charge of \$0.05 per gallon.
 - (3) The Director may establish reasonable rules and regulations to allow credit to be established to such persons disposing of such material, in which case any invoice or bill shall be due upon presentation. The rate shall be applied to the total of the material disposed of during the billing period.

Sec. 21-3-108. Insertion of hoses into manhole, sewer.

No hose from a truck-hauled waste vehicle may be inserted into any County manhole or sewer, nor may it be inserted into any water of the state. It is unlawful for any person to deposit waste or water into the public sewer system without authorization. In addition to a violation under Article I, Section 2, including criminal charges, such person shall be liable for standard volume charges for the use of the public sewer system. If the amount of waste or water unlawfully deposited is uncertain, a flat fee of \$500.00 shall be assessed per occurrence.

DIVISION 6. RESIDENTIAL ALTERNATIVE ONSITE SEWAGE SYSTEMS

Sec. 21-3-109. Generally; definitions.

- (a) *In general.* If special circumstances meet the restrictive criteria set forth within the Sections of this division, alternative onsite sewage systems (AOSS) may be allowed and must comply with:
- (1) All applicable VDH Regulations;
 - (2) Provisions set forth in Sections 21-3-17, 21-3-91, 21-3-92, 21-3-94, 21-3-95, 21-3-96, 21-3-98, 21-3-99, 21-3-101, and 21-3-103 of this Article, to the extent they may be made applicable, with appropriate adjustments for design features that differ from those of a conventional onsite sewage system;
 - (3) Provisions set forth in this division; and
 - (4) Any other applicable requirements of the Federal, State and County laws, statutes, regulations and ordinances.
- (b) *Definitions.* For the purposes of this division, the following terms shall have the meanings prescribed:
- (1) *Alternative discharging sewage system:* shall be defined pursuant to Section 32.1-163 of the Code of Virginia.
 - (2) *Alternative onsite sewage system or alternative onsite system:* shall be defined pursuant to Section 32.1-163 of the Code of Virginia.
 - (3) *Conventional onsite sewage system or sanitary septic tank system:* shall be defined pursuant to Section 32.1-163 of the Code of Virginia.
 - (4) *Maintenance:* shall be defined pursuant to Section 32.1-163 of the Code of Virginia.
 - (5) *Operator (also referred to herein as a "qualified operator"):* shall be defined pursuant to Section 32.1-163 of the Code of Virginia.
 - (6) *Point source discharge:* shall be defined as any discernible confined and discrete conveyance including but not limited to a pipe, ditch, channel, or conduit from which effluent or other pollutants are or may be discharged above ground.
 - (7) *Sewage:* shall be defined pursuant to Section 32.1-163 of the Code of Virginia.
 - (8) *Sewerage system:* shall be defined pursuant to Section 32.1-163 of the Code of Virginia.

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(9) *Subsurface drainfield*: shall be defined pursuant to Section 32.1-163 of the Code of Virginia.

(10) *Treatment works*: shall be defined pursuant to Section 32.1-163 of the Code of Virginia.

Sec. 21-3-110. Location.

- (a) Alternative onsite sewage systems are permitted only in the zoning districts that permit conventional onsite sewage systems and only if they meet all County zoning and subdivision requirements.
- (b) Alternative onsite sewage systems must comply with all VDH regulations regarding site location of such systems.
- (c) Alternative onsite sewage systems must comply with the requirements of this Division 6 and also for conventional onsite sewage systems, in regard to location, as set forth in Article III, Division 5 (conventional onsite sewage) of this Chapter; and must comply with the requirements for conventional onsite sewage systems in other Applicable Law including without limitation as set forth in the zoning ordinance, being Chapter 22 of this Code.

Sec. 21-3-111 Preconditions.

- (a) An alternative onsite sewage system may be permitted as a replacement in situations where an existing conventional onsite sewage system has failed or is malfunctioning to the extent that it is a health hazard and the conventional onsite sewage system cannot be repaired or remedied, and no replacement conventional onsite sewage system is possible on a reserve drain field site or otherwise.
- (b) An alternative onsite sewage system may be permitted if a conventional onsite sewage system is not possible, and the criteria of Section 21-3-110 above are met. If all applicable requirements are met, Section 21-3-92 or Section 21-3-95 of this Chapter will apply to the extent possible.

Sec. 21-3-112. Conditions.

The following conditions must be met in addition to the provisions detailed by VDH in Sections 10.1-2117, 15.2-2157, 32.1-163, 32.1-164, 32.1-164.1, 54.1-300, 54.1-2300, 54.1-2301 and 54.1-2302 of the Code of Virginia:

- (1) Only alternative onsite sewage system designs using subsurface dispersal systems are permitted in the County; provided however, alternative discharging sewage system designs may be permitted under the restricted conditions set forth in Division 7 of this Article.
- (2) Verification that there is, at a minimum, twelve inches of separation between point of sewage dispersal into the ground and the seasonal water table must be provided.
- (3) Only alternative onsite sewage systems that have been fully or permanently approved by VDH are permitted in the County. Systems with pending or provisional VDH approvals are not permitted unless specifically approved by the County building official based on an individual case basis.
- (4) Proof of an agreement to enter into a maintenance contract or proof of an executed maintenance contract with a qualified operator, as defined in Section 21-3-109 of this Chapter, shall be delivered to the health department and to the Fluvanna County Director of Community Development, prior to VDH approval of a septic permit for the alternative onsite sewage system, and County issuance of a building permit. The contract shall provide for all maintenance, as defined in Section 21-3-109 of this Chapter, and as required in Section 21-3-17 of this Chapter, and such a contract shall be maintained for the life of the system. Should a new maintenance contract be executed, a copy of such shall be delivered to VDH and Fluvanna County Director of Community Development within 45 days.

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- (5) If an alternative onsite sewage system is permissible under all Applicable Laws, VDH shall permit the alternative onsite sewer system, and the landowner shall record an instrument in writing reflecting the permission in the land records of the County Circuit Court as notice to the public, including subsequent purchasers of the land. The permission shall become effective one day after the VDH and the Fluvanna County Director of Community Development receives notification of recordation.
 - (6) The operator or his licensed agent (e.g., maintenance contractor) shall provide to the Fluvanna County Director of Community Development an annual report based upon site visits as required by the maintenance contract. This is in addition to, and not a substitution for, any state requirement to file such reports on the statewide web-site reporting system.
 - (7) Enforcement of this division shall be under the authority of the Fluvanna County Building Official, through revocation of certificates of occupancy.

Secs. 21-3-113 – 21-3-120. Reserved.

DIVISION 7. RESIDENTIAL ALTERNATIVE DISCHARGING SEWAGE SYSTEMS

Sec. 21-3-121. Generally; definitions.

- (a) *In general.* Alternative discharging sewage systems (ADSS) are prohibited in the County. However, if special circumstances meet the restrictive criteria set forth within the Sections of this division, ADSS may be allowed and must comply with:
 - (1) All applicable VDH regulations;
 - (2) Provisions set forth in Sections 21-3-17, 21-3-91, 21-3-94, 21-3-95, 21-3-96, 21-3-97 and 21-3-99 of this Chapter, to the extent they may be made applicable, with appropriate adjustments for design features that differ from those of a conventional onsite sewage system or alternative onsite sewage system;
 - (3) Provisions set forth in this division; and
 - (4) Any other applicable requirements of the state and County laws.
- (b) *Definitions.* For the purposes of this division, the terms and definitions prescribed in subsection 21-3-109 of this Chapter are incorporated herein by reference.

Sec. 21-3-122. When permitted.

An ADSS may be permitted only in the following situation:

Replacement of failed system: An ADSS may be permitted as a replacement in situations where an existing conventional onsite sewage system or an existing alternative onsite sewage system has failed or is malfunctioning to the extent that it is a health hazard and the system cannot be repaired or remedied, and no replacement system is possible on a reserve drain field site or otherwise. The use of an ADSS will be considered by the County, only after an application has been approved by VDH and a Virginia Pollutant Discharge Elimination System permit issued for its use, and an alternative discharging sewage system is the last available option for sewage handling, short of revocation of a residence's certificate of occupancy.

Sec. 21-3-123. Conditions.

The following conditions must be met in addition to the provisions detailed by the Code of Virginia and VDH in the Virginia Administrative Code (Title 12).

- (1) Only ADSS that have been fully or permanently approved by VDH will be permitted in the County. Systems with pending or provisional VDH approvals are not permitted unless specifically approved by the Director, County Engineer and the County building official based on an individual case basis.

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- (2) All alternative discharging sewage systems approved for use in the County shall have system operational telemetry features that communicate directly to the contracted, obligated third party maintenance and service provider, if available and if land line communications are servicing the residence.
- (3) The County shall review all applications for direct discharging sewage systems prior to health department permitting so as to advise the health officer and VDH of any factors that might influence the department's review and action.
- (4) Proof of an agreement to enter into a maintenance contract or proof of an executed maintenance contract with a qualified operator, as defined in Section 21-3-109 of this Chapter shall be delivered to the health department and to the Fluvanna County Director of Community Development, prior to VDH approval of a septic permit for the ADSS, and County issuance of a building permit. The contract shall provide for all maintenance, as defined in Section 21-3-109 of this Chapter and as required in Section 21-3-17 of this Chapter, and such a contract shall be maintained for the life of the system. Should a new maintenance contract be executed, a copy of such shall be delivered to VDH and Fluvanna County Director of Community Development within forty-five (45) days.
- (5) If an alternative discharging sewage system is permissible under all applicable laws and regulations, the VDH shall permit an ADSS, and the landowner shall record an instrument in writing reflecting the permission in the land records of the County Circuit Court as notice to the public, including subsequent purchasers of the land. The permission shall become effective one day after the VDH and the Fluvanna County Director of Community Development receives notification of recordation.
- (6) The operator or his licensed agent (e.g., maintenance contractor) shall provide to the Fluvanna County Director of Community Development an annual report based upon site visits as required by the maintenance contract. This is in addition to, and not a substitution for, any state requirement to file such reports on the statewide web-site reporting system.
- (7) Enforcement of this division shall be under the authority of the Fluvanna County Building Official, through revocation of certificates of occupancy.

Secs. 21-3-124 – 21-3-130. Reserved.

DIVISION 8. SANITARY PRIVIES

Sec. 21-3-131. Permit required for installation.

It shall be unlawful for any person to install a pit privy in the County except as may be specifically permitted by Federal and State regulations and in accordance with the plans and specifications of the health officer, which shall be furnished by the health officer upon receipt of an application.

Secs. 21-3-132 – 21-3-140. Reserved.

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Sec. 21-4-1. Reserved.

ARTICLE V. SERVICE DISTRICTS

Sec. 21-5-1. Establishment of a Service District.

(a) *Establishment; boundaries; changes to the district.*

- (1) The County may from time to time establish by ordinance Service District(s), which boundaries shall be specifically defined, and may be defined by reference to current tax map parcel(s). Any ordinance or petition to create a Service District shall: (i) Set forth the name and describe the boundaries of the proposed district and specify any areas within the district that are to be excluded; (ii) Describe the purposes of the district and the facilities and services proposed within the district; (iii) Describe a proposed plan for providing such facilities and services within the district; and (iv) Describe the benefits which can be expected from the provision of such facilities and services within the district.
- (2) Unless stated otherwise, the tax map and parcel numbers used in this Section shall refer to those property identifiers assigned by the local assessing officer as of the specific date set forth in the description of the district. Any tax map parcel created by legal subdivision or combination by vacation or lot line adjustment or otherwise of the parcels described above, shall remain included or excluded, as appropriate, notwithstanding such subdivision, vacation or adjustment.
- (3) *Addition of parcels.* Upon receiving a complete written application from a landowner seeking to add a parcel of land to a Service District, the parcel may be added to the Service District by the Board of Supervisors following a public hearing which can be scheduled for any of the Board's regular meetings.
- (4) *Removal of parcels.* Upon receiving a complete written application from a landowner seeking to exclude a parcel from the Service District, the parcel may be excluded from the Service District by the Board of Supervisors following a public hearing.

Applications for exclusion from the district may be filed between June 1 and July 1 of every even year, and a hearing, if needed, shall be held on or after September of every even year. Exclusion applications will be evaluated in the order in which they are received, but will only be considered in the year in which they are filed; however, property owners whose parcels are not excluded in a given year may file a new application in future even years. The effective date for exclusion of any parcel shall be December 31 of that calendar year.

The Board of Supervisors has a fiduciary obligation to ensure that each district contains sufficient taxable property to support repayment of the district's debt; accordingly, in order to offset the loss of value to the district, each exclusion application will only be scheduled for public hearing if, in the 24 months immediately preceding the application period (June 1—May 30), taxable parcel(s) of equal or greater assessed value have been added to the district.

The following categories of properties are ineligible for exclusion from the Service District: (i) property improved with any residential structures and receiving either public water service, public sewer service, or both; (ii) property in which the County's capital improvement program contains, within the next five years, an improvement project that will make public water or sewer available to the parcel; (iii) property which entered a district after its initial creation; and (iv) any property zoned for or occupied by any commercial use.

In deciding whether to grant an application for exclusion, the Board of Supervisors may consider the following criteria: (i) the overall financial sustainability of the district; (ii) the time frame in which improvements are projected to be constructed that will make public water or sewer service available to the parcel; and (iii) the impact of parcel removal to the overall operations of the utility system.

A property owner's financial hardship is not grounds for removal of a parcel from the district; however, a program to defer payment of the taxes is available in certain situations of financial hardship.

Any parcel of land that is excluded from the district shall not be eligible to rejoin the district for a period of five years after the date of its exclusion. If the board grants an application allowing the property to re-enter the district, re-entry shall be contingent upon the property owner making a payment equal to the applicable ad valorem taxes for the parcel(s) for the preceding two fiscal years. Upon rejoining the district, the parcels shall thereafter be subject to the additional connection fees required by this Chapter. However, the board retains the authority to grant a waiver, for good cause, from any of the re-entry requirements.

Nothing in this Section shall obligate the Board of Supervisors to approve requests for exclusion.

- (b) *Establishment as Service District; powers of Board of Supervisors; levy and collection of special taxes.* A district shall only be established as a Service District pursuant to Section 15.2-2400 of the Code of Virginia. Once a Service District is established, the Board of Supervisors may exercise the powers set forth in Section 15.2-2403 of the Code of Virginia, for the purposes set forth therein, including imposing an ad valorem special tax on the assessed values of the tax map parcels in the Service District to pay the costs of the district under the plan. Properties within the Service District that participate in the special assessment for land preservation program shall be taxed at the full assessed value notwithstanding such participation in the land preservation program. Annually, the Board of Supervisors may set the rate for any special tax to be levied on property within the district by conducting a public hearing on the matter. The Treasurer shall collect any special taxes levied within the district in the same manner as he or she collects other County property taxes. All taxes levied and collected pursuant to this Article are pledged to finance the costs of the proposed facilities and services set forth in subsection (c) hereof. Subject to future appropriation, the Board of Supervisors will use the special taxes solely for the purposes described herein, and may also use other designated revenue streams to pay current debt service.
- (c) *Purpose; proposed district facilities and services.* The purpose of each Service District shall be set forth in the ordinance creating such district.
- (d) *District facilities.* The district facilities shall be owned by and under the management of the Fluvanna County Public Work Department and may be connected to other water or sanitary sewer systems as approved by the County.
- (e) *Benefits.* The district facilities and district services are intended to primarily benefit the landowners within the district, and as an ancillary matter, all the citizens of Fluvanna County. They are intended to spur business, commercial and industrial growth and economic development within the district, increase property values for the district landowners, and protect the health and safety of the residents in the district.

State Law Reference Code of Va., Service Districts § 15.2-2400 et seq.

ARTICLE VI. CENTRAL SEWER OR SEWAGE WORKS

Sec. 21-6-1. Central sewer required; exceptions.

- (a) Central sewer or central sewage works shall be required in all subdivisions, plans of development and site plans in which two or more sewage-generating units are proposed; provided that such a unit on a lot, parcel or tract of one acre or more which does not qualify for connection to a public sewer or public sewage works hereunder or pursuant to Fluvanna County Code Chapter 19 and Chapter 22, shall be served by an approved and properly installed public or private sewerage disposal system.
- (b) Nothing herein shall be construed to require central sewer or sewage works in site plans, subdivisions or plans of development that have received final approval prior to the effective date of this Chapter; provided that, central sewer or central sewage works were not required on that date.

Sec. 21-6-2. Information to be shown on application.

The application for central sewers or for the extension of an existing central sewer or sewer works shall be made in writing to the Director, shall state in detail the number, nature and location of connections proposed to be served (including dwelling units, schools, and other public buildings, and commercial and industrial establishments to the extent known) and shall be accompanied by scale drawings showing location and size of sewers and size, material and extent of the proposed sewers or sewer works together with such other pertinent information as the Director may require, and shall show in sufficient detail the manner in which the applicant proposes to meet the USM.

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Footnotes:

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State Law reference— Authorizing county regulation of land application of biosolids, see Code of Va. § 62.1-44.16 et seq.

Sec. 21-7-1. - Definitions.

The Board of Supervisors hereby adopts by reference Section 9 VAC 25-32-10, Definitions.

Each and every reference herein to any statute or regulation shall be deemed to refer to the same, or to any successor statute or regulation which addresses substantially the same subject matter, as the same may be amended from time to time.

History prior Sec. 21-3-1 – Definitions (Ord. 03-15-06; Ord. 11-18-15).

Sec. 21-7-2 - General requirements for land application of biosolids.

- (A) It shall be unlawful to dispose of sewage sludge on land located in the County except in accordance with federal and State Law, and this Article VII.
- (B) Biosolids may be land applied only to lands of the County that have met all the applicable federal and state permits for the land application of biosolids, including Virginia State Water Control Board permits required for such land applications.
- (C) Biosolids may be land applied only to lands zoned A-1.
- (D) Biosolids may be land applied only to lands during weather conditions that permit the same to be applied and incorporated without substantial risk of adverse consequences to adjacent and downstream properties.

History prior Sec. 21-3-2 – General requirements for land application of biosolids (Ord. 03-15-06; Ord. 11-18-15).

State Law reference— Similar State Law provision, see Code of Va. § 62.1-44:15.

Sec. 21-7-3. - Notice requirements.

- (A) Any applicant to the Virginia State Water Control Board for an operational permit to apply biosolids to any lands of the County shall notify the Fluvanna County Director of Community Development of his intent to obtain such permit no more than three days after application to the Virginia State Water Control Board for such permit and at least 100 days before the time of the proposed land application. Such notification shall be in writing and hand delivered or faxed (with the original mailed on the same day) to the Fluvanna County Director of Community Development.
- (B) The notice required by subsection (A) shall include:
 - (1) A field map of the lands to which biosolids will be applied, such maps to include the applicable County tax map number;
 - (2) A written statement of when the land application will begin, how long the process is estimated to continue, and when the land application of biosolids will terminate. If circumstances cause commencement of the land application of biosolids activity to take place more than five days after the

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date indicated, the Fluvanna County Director of Community Development shall be so notified promptly in writing;

- (3) The date biosolids will be incorporated (if applicable);
 - (4) The proposed plant schedule, or designation as a pasture;
 - (5) The name, telephone number and address of the hauler, if different from the contractor;
 - (6) The telephone number and pager number (if available) of field technicians who will be land applying the biosolids;
 - (7) The source of the biosolids to be land applied, including name, address, and telephone number of the contact person;
 - (8) The name, address, and telephone number of the owner and/or lessee of the land to which the biosolids will be applied; and
 - (9) Any other information required by 9 VAC Sections 25-32-60 and 25-32-70.
- (C) Any person who obtains from the Virginia State Water Control Board an operational permit to apply biosolids to any lands of the County shall notify the Fluvanna County Director of Community Development of the issuance of such permit no more than three days after issuance and at least 14 days before the time of the proposed land application. Such notification shall be in writing and hand delivered or faxed (with the original mailed on the same day) to the Fluvanna County Director of Community Development.
- (D) The notice required by subsection (C) shall include any amendments, variances, or other changes from the information submitted under subsection (A).
- (E) Fourteen days before beginning the land application of biosolids to County land in accordance with a properly issued operational permit and with the requirements of this Article, the permit holder shall deliver notice to all abutting properties, at the addresses listed therefore on the tax records of the County, and shall post signs at all field entrances which front public roads or, if no field entrances front public roads, on the owner's public road frontage nearest to the land applications site. The required notice and signs shall contain the following information only:
- (1) A heading that reads "Biosolids Land Application in Progress";
 - (2) The name of the permit holder;
 - (3) The telephone number of an individual designated by the permit holder to respond to complaints and inquiries;
 - (4) Contact information for the Virginia State Water Control Board, including a telephone number for complaints and inquiries.
- (F) Signs posted under (E) shall comply with the Fluvanna County Zoning Ordinance. Specifically, the signs shall be temporary nonilluminated signs, not less than four square feet and no more than six square feet in area, providing notice of biosolid waste product application onto lands in Fluvanna County.
- (G) Any holder of an operational permit to land apply biosolids to County lands shall notify the Fluvanna County Director of Community Development of any modifications to the operational permit not more than three days after such modification.
- (H) Any holder of an operational permit to land apply biosolids to County lands shall provide to the Fluvanna County Director of Community Development, at his request, the results of any tests conducted pursuant to the operational plan.
- (I) Upon posting the signs at a land application site prior to commencing land application, the permittee shall deliver or cause to delivered written notification to the Fluvanna County Director of Community Development,

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unless advised in writing that notification is not required, of the posting of the signs. The permit holder shall make a good faith effort to replace or repair any sign that has been removed from a land application site or that has been damaged so as to render any of its required information illegible prior to five business days after completion of land application.

- (J) The permit holder shall not remove the signs until at least 30 days after land application has been completed at the site.
- (K) No more than 24 hours prior to commencing land application activities, including delivery of biosolids to a permitted site, the permittee shall notify in writing the Fluvanna County Director of Community Development unless the Fluvanna County Director of Community Development requests in writing not to receive the notice. This notification shall include identification of the biosolids source and shall include only sites where land application activities will commence within twenty-four (24) hours or where biosolids will be staged within 24 hours.

History prior Section 21-3-3. - Notice requirements (Ord. 03-15-06; Ord. 11-18-15).

Sec. 21-7-4 - Board certification for storage of sewage sludge.

Pursuant to Section 62.1-44.19:3 of the Code of Virginia, the Board of Supervisors shall review any application for a permit or variance to authorize the storage of sewage sludge and confirm or deny that the storage site is consistent with all applicable ordinances within thirty (30) days of receiving the request for certification.

If the Board of Supervisors fails to respond to the request for certification within 30 days of receipt of the request, the site shall be deemed consistent.

Where there may be site-specific conditions, including soil type, identified during the permit application process, which may require special conditions to protect the environment or health, safety or welfare of persons residing in the vicinity of a proposed land application site, the board may from time to time provide written requests or recommendations to the Department of Environmental Quality in its certification.

History prior Section 21-3-3.1. - Board certification for storage of sewage sludge (Ord. 11-18-15).

Sec. 21-7-5. - Access.

- (A) The Fluvanna County Director of Community Development shall have access to any County lands designated for the land application of biosolids in an operational permit in order to conduct appropriate inspections and testing to ensure compliance with the operational permit, State Laws and regulations and the requirements of this Article. The Fluvanna County Director of Community Development shall have access to all biosolids, biosolids storage facilities, biosolids application machinery and biosolids transportation vehicles in the County in order to conduct appropriate inspections to ensure compliance with any operational or construction permits, State Laws and regulations and the requirements of this Article.
- (B) The Fluvanna County Director of Community Development shall notify the owner or permit holder of any inspections or testing conducted. If the Fluvanna County Director of Community Development provides notice in advance of such inspection or testing, access shall be provided by the owner or permit holder no more than twenty-four (24) hours after notice is given.

History prior Section 21-3-4. - Access (Ord. 03-15-06).

Sec. 21-7-6. - Enforcement.

- (A) If the Fluvanna County Director of Community Development has reason to believe that biosolids are being or have been land applied to County lands not in compliance with a valid operational permit, State Laws and

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regulations or the requirements of this Article, he shall notify the Department of Environmental Quality and the permit holder. He shall further have the authority to order the abatement of any violation. Such abatement order shall identify the activity constituting the violation, specify the Code provision or regulation violated by the activity, and order the activity cease immediately, as authorized by Sections 62.1-44.19:3 and 62.1-44.19:3.2 of the Code of Virginia.

- (B) If the Fluvanna County Director of Community Development has reason to believe that biosolids are being or have been land applied to County lands not in compliance with a valid operational permit or State Laws and regulations, he shall so notify the Virginia State Water Control Board.
- (C) Failure to comply with provisions Section 21-7-3(A), (C), (E), (G), (H), (I), (J) or (K) of this Code shall be punishable in accordance with Section 21-1-2 of this Chapter. In addition, the Fluvanna County Director of Community Development shall have the authority to take action to abate any violation of this Article as authorized by Sections 62.1-44.16:1 and 62.1-44.19:3.2 of the Code of Virginia.
- (D) If the Fluvanna County Director of Community Development receives a complaint concerning land application of biosolids, he shall notify the State Water Control Board and the permit holder within twenty-four (24) hours of receiving the complaint.
- (E) The Fluvanna County Director of Community Development shall promptly notify the State Water Control Board of all results from the testing and monitoring of the land application of biosolids performed by persons employed by Fluvanna County and any violation of Sections 62.1-44.19:3, 62.1-44.19:3.1 and 62.1-44.19:3.3 of the Code of Virginia.

History prior Section 21-3-5. - Enforcement (Ord. 03-15-06; Ord. 11-18-15).

State Law references —See 9 VAC 25-31-475 and 9 VAC 25-32-515.