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CHAPTER 16

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ARTICLE I. CENTRAL SEWERAGE SYSTEMS AND PRIVATE WATER SUPPLIES

Sec. 16-100 Applicability.

This article shall apply to any person who proposes to establish a central sewerage system or central water supply, except that it shall not apply to a corporation whose principal business is the operation of a hotel when the corporation extends the use of its surplus sewage facilities or furnishes its water supply to a limited number of patrons.

(Ord. 98-A(1), 8-5-98)

State law reference--Va. Code §§ 15.2-2126, 15.2-2131, 15.2-2149, 15.2-2154.

Sec. 16-101 Definitions.

The following definitions shall apply to this article:

(1) *Central sewerage system.* The term "central sewerage system" means a sewerage system consisting of pipelines or conduits, pumping stations, force mains or sewerage treatment plants, including but not limited to septic tanks and/or drain fields, or any of them, designed to serve three (3) or more connections, used for conducting or treating sewage.

(2) *Central water supply.* The term "central water supply" means a water supply consisting of a well, springs or other source and the necessary pipes, conduits, mains pumping stations, and other facilities in connection therewith, designed to serve three (3) or more connections.

(3) *Health department.* The term "health department" means the local or regional office of the Virginia Department of Health.

(Ord. 98-A(1), 8-5-98)

State law reference--Va. Code §§ 15.2-2126, 15.2-2149.

Sec. 16-102 Notice of proposal to establish system or supply.

Each person who proposes to establish or extend a central sewerage system or a central water supply shall notify the board of supervisors of the proposal at least sixty (60) days prior to commencing construction thereof. The notice shall be filed with the clerk of the board of supervisors. In addition to the foregoing information, the notice shall include the following:

1. The location of the proposed central sewerage system or central water supply;
2. The number of connections proposed to be served by the central sewerage system or central water supply;
3. A statement describing the type of the proposed central sewerage system or central water supply and explaining the reasons the system or supply is needed; and
4. Three (3) copies of the preliminary plans for the central sewerage system or central water supply.

(12-15-76; Code 1988, § 10-17; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code §§ 15.2-2126, 15.2-2129, 15.2-2130, 15.2-2149, 15.2-2152, 15.2-2153.

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Sec. 16-103 Transmittal of notice and plans for review.

Upon receipt of a notice pursuant to section 16-102, the clerk of the board of supervisors shall transmit a copy of the notice, and all information accompanying the notice, to the county engineer. The county engineer shall review the notice and information to determine its compliance with this Code and the policies of the county engineer. The county engineer shall coordinate his review with the health department and, when applicable, the Albemarle County Service Authority.

(12-15-76; Code 1988, § 10-18; Ord. 98-A(1), 8-5-98)

*State law reference--*Va. Code § 15.2-2121.

Sec. 16-104 Hearing on proposal.

Upon receipt of a notice pursuant to section 16-102, the clerk of the board of supervisors shall place the proposal on the agenda of the board of supervisors for consideration of the proposal at a regular meeting of the board. The hearing shall not be conducted until the county engineer has completed a review of the plans submitted by the applicant. Prior to the meeting at which the proposal will be considered, the county engineer shall submit a written recommendation to the board. The applicant shall appear in person when the proposal is considered by the board.

(12-15-76; Code 1988, § 10-18; Ord. 98-A(1), 8-5-98)

*State law reference--*Va. Code §§ 15.2-2121, 15.2-2126, 15.2-2149.

Sec. 16-105 Action on proposal.

A. After consideration of a proposal as provided in section 16-104, the board of supervisors may approve or disapprove the proposal. If the board approves the proposal, it shall specify the number of connections that may be made to the central sewerage system or central water supply.

B. The board may condition its approval of a central sewerage system upon the approval of the applicant's final plans by the county engineer, the health department, and the Virginia Department of Environmental Quality, and either approval by or proof of notification to, any other applicable state or federal department or agency.

C. The board may condition its approval of a central water supply upon the approval of the applicant's final plans by the county engineer, the health department, the Virginia Department of Environmental Quality, and either approval by or proof of notification to, any other applicable state or federal department or agency.

(Ord. 98-A(1), 8-5-98)

*State law reference--*Va. Code §§ 15.2-2121, 15.2-2127, 15.2-2128, 15.2-2151.

Sec. 16-106 Failure of board to timely disapprove proposal.

If the board of supervisors fails to disapprove a proposal within seventy (70) days from the date on which the hearing was held as provided in section 16-104, the applicant may proceed with the construction and installation of the proposed central sewerage system or central water supply, provided that he first gives written notice to the chairman of the board of supervisors by registered mail of his intention to proceed.

(Ord. 98-A(1), 6-17-98)

*State law reference--*Va. Code §§ 15.2-2127, 15.2-2151.

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Sec. 16-107 Inspection of central water supplies.

The county engineer shall inspect each central water supply, having three (3) to fifteen (15) connections or serving up to twenty-five (25) people to ensure that it is constructed as approved. The applicant shall provide all information, including pump test data, required by the county engineer to accomplish the inspection. Upon completion of the inspection, the county engineer shall report to the board of supervisors his findings.

(12-15-76; Code 1988, § 10-19; Ord. 98-A(1), 8-5-98)

*State law reference--*Va. Code §§ 15.2-2121, 15.2-2144.

Sec. 16-108 Violation and penalty.

A. Any person who fails or refuses to notify the board of supervisors as provided in section 16-102 and thereafter constructs and installs a central sewerage system or central water supply, or having given such notice and the proposal having been disapproved, proceeds to construct or install any such system, shall be guilty of a misdemeanor and punished as provided herein.

B. Any person violating any provision of this article, other than section 16-107, shall be guilty of a class 2 misdemeanor and, in addition, may be further enjoined from further violation of this article.

C. Any person violating section 16-107 shall be guilty of a misdemeanor and shall be subject to the penalties set forth in section 1-115 of the Code.
(Ord. 98-A(1), 8-5-98)

*State law reference--*Va. Code §§ 15.2-2133, 15.2-2156.

ARTICLE II. SEPTIC SYSTEMS AND INDIVIDUAL PRIVATE WELLS

Sec. 16-200 Applicability.

This article shall apply to any person who proposes to establish or expand a septic system or an individual private well.

(Ord. 98-A(1), 8-5-98)

*State law reference--*Va. Code §§ 15.2-2157, 32.1-176.1, et seq.

Sec. 16-201 Definitions.

The following definitions shall apply to this article:

(1) *Health department.* The term "health department" means the local or regional office of the Virginia Department of Health.

(2) *Individual private well.* The term "individual private well" means any water well constructed for a person on land which is owned or leased by that person and is usually intended for household use, ground water source heat pump, or agricultural use, and which has up to two (2) connections.

(3) *Septic system.* The term "septic system" means a system of sewage disposal consisting of a septic tank, which is for the purpose of pretreating sewage, and a drain field, which is for the purpose of disposing the effluent from the septic tank through subsurface soil absorption.

(Ord. 98-A(1), 6-17-98)

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State law reference--Va. Code §§ 15.2-2157, 32.1-176.3.

Sec. 16-202 Approval of septic system or individual private well.

Each person who proposes to establish or expand the use of a septic system or an individual private well shall submit plans for such to the health department and, if required by law, to the Virginia Department of Environmental Quality for review and approval. The proposed septic system or individual private well shall comply with all applicable standards established by the Virginia Department of Health and the Virginia Department of Environmental Quality, if required, and all requirements of the Code. The plans shall be approved by the Virginia Department of Health and the Virginia Department of Environmental Quality before construction of the septic system or individual private well begins.

(Ord. 98-A(1), 8-5-98)

State law reference--Va. Code §§ 15.2-2157, 32.1-176.5.

Sec. 16-203 Inspection of existing septic system to serve new building or structure.

A person who proposes to construct a new building or structure which will be served by an existing septic system shall, prior to the issuance of a building permit for the building or structure, notify the health department of such proposal. Upon payment by the applicant of the fee set forth in section 16-204, the health department shall inspect the septic system to determine whether it is adequate to render the proposed service. The health inspector may either approve the septic system for the new building or structure, with or without modifications, or disapprove the septic system.

(Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-2157.

Sec. 16-204 Fees.

A. In addition to any fee required by and payable to the Virginia Department of Health or the Virginia Department of Environmental Quality, the following fees and exemptions from such fees are hereby established. The fees shall be paid at the time the plans are submitted pursuant to section 16-202, or prior to the inspection required by section 16-203. The fees shall be in the form of cash or in a check payable to the "County of Albemarle."

B. Each plan submitted pursuant to section 16-202 shall be accompanied by a fee, as follows:

1. The fee for each application for a septic system shall be one hundred dollars (\$100.00).

2. The fee for each application for an individual private well shall be fifty dollars (\$50.00).

C. The fee for each inspection conducted pursuant to section 16-203 shall be that fee established for the inspection by the health department.

D. The following persons are exempt from the fees required by paragraph (B).

1. Property owners whose incomes are less than one hundred percent (100%) of the established federal poverty guidelines, as determined by the Virginia Department of Health.

2. Property owners with failing individual private wells and septic systems, where the applicant seeks approval to construct a replacement individual private well when the failing well is

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properly abandoned, or to repair a septic system for the same usage. This exemption does not apply to applications to construct a supplemental individual private well or to expand the use of a septic system.

E. Persons who are exempt from paying a fee to the Virginia Department of Health or the Virginia Department of Environmental Quality because they have a certification letter for the property issued within the previous eighteen (18) months shall not be exempt from the fee required by paragraph (B).

(10-12-94; Code 1988, § 10-21; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-2157.

ARTICLE III. SEPTAGE HAULING AND DISPOSAL

Sec. 16-300 Applicability.

This article shall apply to every person who is a sewage handler.

(Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-2157.

Sec. 16-301 Definitions.

The following definitions shall apply to this article:

(1) *Health department.* The term "health department" means the local or regional office of the Virginia Department of Health.

(2) *Septage.* The term "septage" means the grease and scum within a septic tank, the accumulated sludge at the bottom of the tank, and the sewage present at the time of pumping.

(3) *Sewage handler.* The term "sewage handler" means any person who removes or contracts to remove and transport by vehicle the contents of any septic tank, sewage treatment plant, privy, holding tank, portable toilet or any sewage, septage or sewage sludge from any other device.

(Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-2157.

Sec. 16-302 Permit required.

Each sewage handler shall have a valid sewage handling permit issued by the health department.

(1967; § 17-22; Code 1988, § 10-11; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-2157.

Sec. 16-303 Fee.

Each sewage handler shall pay the fee required by the health department at the time the sewage handler applies for the permit.

(1967; §§ 17-22, 17-23; Code 1988, § 10-11; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-2157.

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Sec. 16-304 Equipment used by sewage handler.

The sewage handling equipment used by a sewage handler shall be inspected and approved for use, in writing, by a local office of the health department. At a minimum, the equipment shall comply with the following:

A. The tank into which septage or other sewage or sewage sludge is pumped or delivered and carried shall be fully enclosed and watertight. All inlets and outlets to the tank shall be fully enclosed and provided with watertight valves.

B. Suction and discharge hoses shall be watertight. Hoses shall be carried or transported in a manner that will prevent any leakage therefrom.

(1967; § 17-23; Code 1988, §§ 10-12, 10-13; Ord. 98-A(1), 8-5-98)

*State law reference--*Va. Code § 15.2-2157.

Sec. 16-305 Condition of equipment.

All exposed surfaces of sewage handling equipment shall be painted. All sewage handling equipment that comes in contact with septage or other sewage or sewage sludge shall be washed in such a manner and location that the wastewater from washing it is conveyed to an approved sewerage system or treatment works.

(1967; § 17-25; Code 1988, § 10-14; Ord. 98-A(1), 8-5-98)

*State law reference--*Va. Code § 15.2-2157.

Sec. 16-306 Identifying information on equipment.

The name, address, and Virginia Department of Health sewage handling permit number of the person owning or operating sewage handling equipment shall be displayed on the vehicle in letters at least four (4) inches high.

(1967, § 17-26; Code 1988, § 10-15; Ord. 98-A(1), 8-5-98)

*State law reference--*Va. Code § 15.2-2157.

Sec. 16-307 Disposal; failure to properly dispose.

Each sewage handler shall handle, transport and dispose of septage or other sewage or sewage sludge in a safe and sanitary manner pursuant to the applicable regulations of the Virginia Department of Health. It shall be unlawful to dispose of septage or other sewage or sewage sludge without a sewage handling permit or in a manner which is not authorized by the sewage handling permit including, but not limited to, disposal into a body of water or stream of the state.

(1967; § 17-27; Code 1988, § 10-16; Ord. 98-A(1), 8-5-98)

*State law reference--*Va. Code § 15.2-2157.

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ARTICLE IV. WASTEWATER DISCHARGE REGULATIONS

DIVISION 1. GENERALLY

Sec. 16-400 Purpose.

This article sets forth uniform requirements for direct and indirect discharges into the wastewater collection and treatment systems of the Albemarle County Service Authority ("ACSA") and Rivanna Water and Sewer Authority ("RWSA"), enables the ACSA and RWSA to comply with all applicable State and Federal laws, and provides for the protection of the sewerage systems and their respective receiving streams.

(Ord. of 4-3-91, Pt. I, § 1; Code 1988, § 19.1-21; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

Sec. 16-401 Scope.

This article provides for controlling the quantity, character and rate of discharge of sewage into the ACSA's and RWSA's sewerage systems and the issuance of industrial waste discharge permits and shall apply to all discharges, direct or indirect, into any part of the sewerage system of the ACSA and RWSA.

(Ord. of 4-3-91, Pt. I, § 2; Code 1988, § 19.1-22; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

Sec. 16-402 Authority.

This article is authorized and required by section 5.6 of the agreement dated June 12, 1973 by and between the City of Charlottesville, Albemarle County Service Authority, Board of County Supervisors of Albemarle County and Rivanna Water and Sewer Authority, Virginia Code § 15.2-5114 and the Federal Water Pollution Control Act, as amended.

(Ord of 4-3-91, Pt. I, § 3; Code 1988, § 19.1-23; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

Sec. 16-403 Definitions.

Unless the context specifically indicates otherwise, the following words, phrases, and abbreviations used in these Regulations shall be defined as follows:

- (1) *ACSA.* Albemarle County Service Authority.
- (2) *Approving authority.* The executive director of the Rivanna Water and Sewer Authority jointly with the executive director of the Albemarle County Service Authority as appropriate, or their duly authorized representative.
- (3) *Board.* The board of directors of the Rivanna Water and Sewer Authority or the board of directors of the Albemarle County Service Authority, as appropriate.
- (4) *BOD. (Biochemical Oxygen Demand).* The laboratory determination of the quantity of oxygen by weight, expressed in parts per million, utilized in the biochemical oxidation of organic matter under standard laboratory conditions in five (5) days at 20 degrees centigrade. The laboratory determination shall be in accordance with 40 CFR Part 136.

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(5) *Categorical pretreatment standards.* Industry specific pollutant discharge standards promulgated by the United States Environmental Protection Agency (EPA).

(6) *COD. (Chemical Oxygen Demand).* The laboratory determination of the oxygen equivalent expressed in parts per million of that portion of the organic matter that is susceptible to oxidation by the standard dichromate reflux method. The laboratory determination shall be in accordance with 40 CFR Part 136.

(7) *Domestic sewage.* Waterborne wastes normally discharging from the sanitary conveniences of dwellings (including apartments houses and hotels), office buildings, factories and institutions, free from storm surface water and industrial wastes.

(8) *Industrial wastes.* All waterborne solids, liquids or gaseous wastes resulting from any industrial, manufacturing, trade, business or food processing operation or process, or from the development of any natural resource, exclusive of domestic sewage.

(9) *Interference.* A discharge which, alone or in conjunction with other discharges, inhibits or disrupts the sewerage system, its treatment processes, or sludge disposal, and is a cause of violation of the receiving sewage treatment plant's discharge permit.

(10) *Parts per million.* A weight to weight ratio.

(11) *Pass through pollutant.* Any pollutant which is unaffected by the normal sewage treatment processes that could impair water quality in the receiving stream or cause a violation of the receiving sewage treatment plant's discharge permit.

(12) *Permit.* An industrial waste discharge permit issued pursuant to this article.

(13) *Person.* Any individual, association, partnership, corporation, municipality, State, Federal agency, or any agent or employee thereof.

(14) *pH.* The logarithm (base 10) of the reciprocal of the hydrogen ion concentration.

(15) *Point of discharge.* The point at which waste is discharged to the publicly owned sewerage system.

(16) *Pollutant.* Any manmade or maninduced material that alters the physical, chemical, biological or radiological integrity of water.

(17) *Public sewer.* Either sanitary or storm sewer in which all owners of abutting properties shall have equal rights and is controlled by public authority.

(18) *Radioactive material or isotope.* Any material containing chemical elements that spontaneously change their atomic structure by emitting any particles or rays.

(19) *RWSA.* Rivanna Water and Sewer Authority.

(20) *Sanitary sewer.* A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

(21) *Septic tank wastes.* Sewage from domestic septic tank treatment systems.

(22) *Sewage.* A combination of watercarried wastes from residential, commercial, institutional and industrial establishments, together with such ground, surface and storm waters as may be present.

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(23) *Sewage treatment plant.* Any arrangement of devices and structures used for treating sewage.

(24) *Sewer.* A pipe or conduit used to collect and carry away sewage or storm water runoff from the generating source to sewage treatment plants or receiving streams.

(25) *Sewerage.* The system of sewers and appurtenances for the collection, transportation, pumping and treatment of sewage.

(26) *Significant industrial user.* Any industrial discharger who:

- (a) is subject to categorical standards;
- (b) discharges a nondomestic wastestream of twenty-five thousand (25,000) gallons per day or more;
- (c) contributes five (5) percent or greater to the hydraulic or organic load of the receiving plant; or
- (d) has a reasonable potential to affect the plant performance, pass through of pollutants, contaminate sludge, or endanger collection/treatment workers.

(27) *Slug.* Any discharge which in concentration of any pollutant or in quantity of flow will cause a violation of the prohibited waste discharges in section 16-404.

(28) *Surcharge.* The additional charge for treating sewage containing concentrations of BOD and/or suspended solids in excess of two hundred forty (240) parts per million.

(29) *Suspended solids.* Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering. Quantitative determinations of suspended solids shall be made in accordance with 40 CFR Part 136.

(30) *Toxic substances.* Any substance whether gaseous, liquid or solid, of such character or in such quantity that when discharged to the sanitary sewer will interfere with any sewage treatment process, cause a hazard to any portion of the sewerage system, constitute a hazard to any living organism, a hazard in the stream or watercourse receiving the effluent from the sewage treatment plant, or interfere with sludge disposal.

(31) *Trade secrets.* Any formula, plan, pattern, process, tool, mechanism, material, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate or produce a compound, an article of trade, or a service having commercial value and which gives its users an opportunity to obtain a business advantage over competitors who do not know or use it.

(Ord. of 4-3-91, Pt. I, § 4; Code 1988, § 19.1-24; Ord. 98A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

DIVISION 2. DISCHARGE REQUIREMENTS

Sec. 16-404 Prohibited waste discharges.

No person shall discharge or cause to be discharged into any portion of the sewerage system, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the collection system or sewage treatment plant; constitute a hazard to human life or health, interfere with or impede the disposal of treatment by-products such as scums and sludges; pass through the treatment

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system so as to violate any local, State or Federal stream standard; or create a public nuisance. Discharges of the following are expressly prohibited:

1. Any waste having a temperature greater than one hundred fifty (150) degrees Fahrenheit the point of discharge or of such temperature and quantity to cause the sewage treatment plant influent temperature to exceed one hundred four (104) degrees Fahrenheit.
2. Any water or waste containing more than one hundred (100) parts per million of fat, oil, or grease, as determined by procedure 5520 B. Partition Gravimetric Method of the 17th edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by APHA-AWWA and WPCF. An analytic value of greater than one hundred (100) parts per million shall require further testing utilizing procedure 5520 F. Hydrocarbons of the 17th edition of "Standard Methods for the Examination of Water and Wastewater" identified above, and compliance will be determined based on the two (2) test results.
3. Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
4. Any gasoline, benzene, naphtha or other hydrocarbon solvents or oils, or other flammable or explosive liquids, solids or gases with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit.
5. Any waters or wastes having a stabilized pH lower than 6.0 or higher than 9.0 or having properties capable of causing damage to structures and equipment of the sanitary sewerage system.
6. Any noxious or malodorous gas or substance capable of creating a public nuisance, or any substance or compound, which, when introduced into a reducing environment such as might exist in the sewer system, might cause the evolution of a malodorous gas and thereby create a public nuisance.
7. Any discharge of pollutants which result in the presence of toxic gases, vapors, or fumes in a quantity that may cause acute worker health and safety problems.
8. Any trucked or hauled wastes except as provided for in section 16-407.
9. Any waters or wastes having objectionable color which is not removable by the existing sewage treatment plant processes.
10. Any waters or wastes containing BOD, COD, or suspended solids of such character and quantity that unusual attention or expense is required in the handling of such materials in the sewerage system.
11. Any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters.
12. Any wastes containing any radioactive materials or isotopes of such half-life or concentration as may exceed any limits established by applicable State or Federal regulations.
13. Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limits set for any pollutant at the point of discharge, but which would accumulate to undesirable quantities in the collection and/or treatment systems.
14. Any wastes containing concentrations of phenols, arsenic, barium, cadmium, chromium, copper, cyanide, iron, lead, mercury, nickel, silver, zinc or other substances in excess of concentrations which may be adopted by the board.
15. Any slug discharges.

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16. Any wastes requiring the introduction of a quantity of chlorine or any other compound beyond the range normally required for sewage treatment purposes.

17. Any solid or viscous substances capable of causing obstruction to flow in sewers or interference with proper operation of the sewage treatment facilities.

18. Any lime sludges resulting from the pretreatment and/or removal of metals.

(Ord. of 4-3-91, Pt. II, § 1; Code 1988, § 19.1-31; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

Sec. 16-405 Construction and interpretation.

The omission of any particular waste from the standards outlined hereinabove does not imply that discharge of such waste to the sanitary sewer system will be permitted. Any liquid waste of peculiar character and volume, or of toxic or unusual nature shall be subject to review by the approving authority and standards deemed applicable established by the approving authority. The requirements set forth hereinabove are generally applicable but are not absolutely fixed. Such requirements may be made more restrictive and more stringent by the board if a survey of the sanitary sewer system and/or analyses of sewage treatment plant operating data, or standards set by the Virginia Department of Environmental Quality for receiving streams indicate that such action is necessary for the protection of the sewerage system. These requirements may be made more liberal only by resolution of the board, duly adopted, and based upon satisfactory evidence and proof that the discharge of a particular waste having concentration of particular substance, compound, or element in excess of those outlined hereinabove has no adverse effect on the sewerage system, sludge disposal, or the quality of the receiving stream. No such resolution may allow contravention of any state or federal regulation or standard.

(Ord. of 4-3-91, Pt. II, § 2; Code 1988, § 19.1-32; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

Sec. 16-406 Notification of violation.

Dischargers shall notify the ACSA and RWSA immediately by telephone or in person upon discharging wastes in violation of this article accidentally or otherwise. This notification shall be followed within five (5) days of the day of occurrence by a detailed written statement to the ACSA and RWSA describing the causes of the discharge and the measures being taken to prevent future occurrences. Dischargers are required to take all reasonable counter-measures to stop the discharge and to neutralize its effect.

(Ord. of 4-3-91, Pt. II, § 3; Code 1988, § 19.1-33; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

Sec. 16-407 Acceptance of off-site wastes and septic tank wastes.

Wastes from sites not served by the public sewerage system may be considered for disposal on a case by case basis. Any person requesting such disposal shall first obtain a letter of acceptance from the approving authority by submitting the appropriate information contained in section 16-409(A)-(L). A separate request must be made for each discharge unless it can be demonstrated that the wastes are routinely produced and of such quality that individual consideration can be waived. The letter of acceptance issued to haulers of septic tank wastes shall be in the form of a permit subject to all the provisions of division 3 of this article, industrial waste discharge permits. The conditions of the letter of acceptance may include, but need not be limited to the following:

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1. Maximum permissible composite concentration of wastewater constituents;
2. Limits on rate and time of discharge or requirements for flow regulation;
3. Requirements for inspection and sampling;
4. Requirements for recording, maintaining and reporting information concerning the origin of each tank truck load and identification of contributor(s);
5. Prohibition of discharge of certain wastewater constituents;
6. Other conditions as deemed appropriate by the approving authority to insure compliance with this article.

(Ord. of 4-3-91, Pt. II, § 4; Code 1988, § 19.1-34; Ord. 98-A(1), 6-17-98)

State law reference--Va. Code § 15.2-5114.

DIVISION 3. INDUSTRIAL WASTE DISCHARGE PERMITS

Sec. 16-408 Permits required.

Any person desiring to discharge industrial wastes into the public sanitary sewer system shall notify the approving authority of the nature and characteristics of their proposed wastewater discharge prior to commencing said discharge. The approving authority may, upon receiving notice of a proposed discharge, require application for a permit. It shall be unlawful for any significant industrial user to discharge any industrial wastes, either directly or indirectly, into the public sewerage system without first obtaining a permit.

(Ord. of 4-3-91, Pt. III, § 1; Code 1988, § 19.1-41; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

Sec. 16-409 Permit applications.

Any person notified by the approving authority of the requirement to apply for a permit shall complete and file with the approving authority the following information as appropriate:

1. Name, address, and telephone number of applicant and contact person, and the name and current mailing address of the owner of the premises from which industrial wastes are intended to be discharged;
2. Standard Industrial Classification (SIC) code of both the industry as a whole and any processes for which Federal categorical pre-treatment standards have been promulgated;
3. Wastewater constituents and characteristics including any pollutants in the discharge which are limited by any federal, state, or local standards. Sampling and analysis will be undertaken in accordance with 40 CFR Part 136;
4. Time and duration of the discharge;
5. Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly, and seasonal variations, if any;

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6. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally be discharged to the sewerage system;

7. The site plans, floor plans and mechanical and plumbing plans and details to show all sewers, floor drains, and appurtenances by size, location and elevation;

8. Each product produced by type, amount, process or processes and rate of production;

9. Type and amount of raw materials processed (average and maximum per day);

10. Number and type of employees, hours of operation, and proposed or actual hours of operation of the pretreatment system;

11. Whether additional operation and maintenance and/or additional pretreatment is required for the user to meet all applicable Federal, State, and local standards. If additional pre-treatment and/or operation and maintenance will be required to meet the standards, then the industrial user shall indicate the shortest time schedule necessary to accomplish installation or adoption of such additional treatment and/or operation and maintenance. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:

(a) The schedule shall contain progress increments 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 (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and conducting routine operation). No increment referred to above shall exceed nine (9) months, nor shall the total compliance period exceed eighteen (18) months;

(b) No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the approving authority including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the approving authority;

12. Any other information as may be deemed necessary to evaluate the permit application;
and

13. All applications must contain the following certification statement and be signed in accordance with the signatory requirements of 40 CFR 403.12.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(Ord. of 4-3-91, Pt. III, § 3; Code 1988, § 19.1-42; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

Sec. 16-410 Processing and issuance of permits.

The approving authority will evaluate the permit application and determine the need for issuing a permit. If a permit is required, a draft permit may be issued within sixty (60) days after all data required by this article has been furnished to and accepted by the approving authority. The applicant shall then be allowed a thirty (30) day comment period. Upon the expiration of the comment period, or upon the expiration of ninety (90) days from the date the data has been furnished and accepted, the approving authority shall issue or deny a permit. A permit may contain appropriate restrictions. Issuance of a permit shall not relieve the discharger from complying with all applicable laws, regulations, and ordinances promulgated by other governmental authority, nor shall the issuance of a permit be construed as a representation by the approving authority that the discharge permitted therein complies with such laws, regulations and ordinances. No permit is transferable.

(Ord. of 4-3-91, Pt. III, § 3; Code 1988, § 19.1-43; Ord 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

Sec. 16-411 Denial of a permit.

Should the waste from an applicant's operations be deemed to be inadmissible into the sanitary sewer system because of objectionable character as defined by this article, or because of flow characteristics incompatible with the best use of the receiving sewer, the approving authority will not approve the discharge of such waste into the sanitary sewer system until such person has employed, at his own expense, methods and processes of pretreatment as will render the waste admissible to the sanitary sewer system in accordance with this article. The approving authority will not specify, suggest, or recommend equipment, structures, or arrangements comprising the pretreatment processes. The methods and procedures of the pretreatment to be employed shall be reviewed and approved with the same procedure as stipulated for permit applications. Approval of discharge of industrial wastes by any person shall be given only on the basis of performance of pretreatment processes, if pretreatment should be required.

(Ord. of 4-3-91, Pt. III, § 4; Code 1988, § 19.1-44; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

Sec. 16-412 Permit conditions.

Each permit shall include such conditions as are reasonably deemed necessary by the approving authority to prevent pass through or interference, protect the quality of the stream receiving the sewage treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the sewerage system. Each permit may contain, but need not be limited to, the following:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
2. Limits on the average and/or maximum concentration, mass, or other measure of identified wastewater constituents or properties;
3. Requirements for the installation of pretreatment technology or construction of appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the sewerage system;
4. Development and implementation of spill control plans or other special conditions including additional management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;

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5. Requirements for installation and maintenance of inspection and sampling facilities;
6. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules;
7. Compliance schedules;
8. Requirements for submission of technical reports or discharge reports;
9. Requirements for recordkeeping relating to wastewater discharges and access thereto;
10. Requirements for notification of any new wastewater constituents or of any substantial change in the volume or character of the wastewater being introduced into the sewerage system;
11. Requirements for the notification of any change in the manufacturing and/or pretreatment process used by the discharger;
12. Requirements for notification of excessive, accidental, or slug discharges; and
13. Other conditions as deemed appropriate to ensure compliance with this article and state and federal laws, rules and regulations.

(Ord. of 4-3-91, Pt. III, § 5; Code 1988, § 19.1-45; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

Sec. 16-413 Duration of permits.

Permits shall be issued for a period of time not to exceed three (3) years. An expired permit will continue to be effective and enforceable until the permit is reissued if the failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the industrial user.

(Ord. of 4-3-91, Pt. III, § 6; Code 1988, § 19.1-46; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

Sec. 16-414 Modification of permits.

A. The terms and conditions of any permit may be subject to modification and change by the approving authority during the life of the permit to accommodate changed conditions and as local, state and federal laws, rules and regulations are modified or amended or as new national categorical pretreatment standards are promulgated.

B. Permit holders shall be informed of any proposed changes in their respective permits at least sixty (60) days prior to the effective date of change, and shall be allowed a comment period relating to any of the proposed changes in their permits within the first thirty (30) days after issuance of such proposed changes by the approving authority. The approving authority shall allow a discharger a reasonable period of time to comply with any changes in the permit required by the approving authority unless otherwise required by emergency or governmental regulations.

C. Nothing in this article is intended to preclude the approving authority from taking immediate action to temporarily modify a permit when there is imminent risk of injury to the sewerage system or to the health and welfare of the public or to the environment.

(Ord. of 4-3-91, Pt. III, § 7; Code 1988, § 19.1-47; Ord. 98-A(1), 8-5-98)

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State law reference--Va. Code § 15.2-5114.

Sec. 16-415 Separate permits required.

A separate permit shall be required for each wastewater connection discharging, directly or indirectly, into the sewerage system. For each discharger having multiple connections at a single plant or facility, a single permit will be required which may set forth specific effluent limitations and conditions for discharge from each separate connection.

(Ord. of 4-3-91, Pt. III, § 8; Code 1988, § 19.1-48; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

Sec. 16-416 Confidential information.

Information and data on a discharger obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the approving authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the discharger. The physical and chemical characteristics of a discharger's wastewater will, however, not be recognized as confidential information or as a trade secret.

(Ord. of 4-3-91, Pt. III, § 9; Code 1988, § 19.1-49; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

Sec. 16-417 Non-transferability.

A. Each permit shall be issued to a specific user for a specific operation and shall not be assignable to another user or location.

B. In the event of any change in ownership of facilities from which the discharge is permitted, the permittee shall notify the succeeding owner of this permit by letter with a copy forwarded to the approving authority. The succeeding owner must apply for a new permit within thirty (30) days of assuming ownership and comply with the terms of this permit until a new permit is issued.

C. Any anticipated facility expansion, production increases, or process modifications which will result in new, different or increased discharges of pollutants must be reported to the authority.

1. If any changes will not violate the discharge limitations specified in this permit, the permit may be modified to specify and limit any pollutants not previously limited.

2. If such changes violate the discharge limitations specified in this permit, this permit will become void and a new permit application must be submitted.

(Ord. of 4-3-91, Pt. III, § 10; Code 1988, § 19.1-50; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

DIVISION 4. ADMINISTRATION

Sec. 16-418 Administration, implementation of article.

Except as otherwise provided herein, the executive directors of the ACSA and RWSA shall administer, implement and enforce the provisions of this article. Any power granted or duties imposed

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upon the executive directors may be delegated by the executive directors to persons in the employ of the ACSA and RWSA.

(Ord. of 4-3-91, Pt. IV, § 1; Code 1988, § 19.1-61; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

Sec. 16-419 Monitoring.

Industrial waste shall be monitored as follows:

A. The volume or quantity of industrial waste discharged by any person into the sanitary sewer system shall be measured by one or more of the following methods:

1. If the volume of water used by any person in his industrial or process operations is substantially the same as the volume purchased from the municipal waterworks system, then the volume of water purchased should be considered to be the volume of waste discharged.

2. If a substantial portion of the water purchased from the ACSA is used for purposes that do not require the discharge of such used water to the sanitary sewer system, such person shall, at his own expense, either:

(a) Install a meter(s) of design approved by the approving authority on the water supply line(s) to his industrial and/or process operations; or

(b) Install a meter(s) of design approved by the approving authority on the waste line(s) from his industrial and/or process operations.

The volume of water or waste flow, respectively, as measured through said meters shall be considered to be the volume of waste discharged to the sanitary sewer system.

3. If any person proposing to discharge industrial wastes into the sanitary sewer system does not secure his entire water supply requirements from the ACSA such person shall, at his own expense, install a meter(s) of design approved by the approving authority on the waste line(s) from his industrial and/or process operations. The volume of waste flow, as measured through said meter(s) shall be considered to be the volume of waste discharged to the sanitary sewer system.

B. Samples to determine the character and concentration of industrial wastes discharged into the sanitary sewer system for purposes of determining compliance with this article and calculating surcharges, shall be collected by authority personnel as may be deemed necessary by the approving authority. The methods used to determine the character and concentration of the industrial wastes shall be in accordance with 40 CFR Part 136.

Industries wishing to include samples other than those regularly scheduled may request the approving authority to do so. Costs incidental to sampling and analyzing of wastes for purposes of determining compliance with this article, or that are applicable to surcharges shall be paid for by those persons discharging wastes into the sanitary sewers.

C. A permit holder may be required to construct, at his own expense, a control manhole on the waste line(s) from his industrial and/or process operations for the purpose of facilitating observations, measurements, and sampling of the industrial wastes discharged from such person's establishment. The control manhole shall be constructed in a suitable and satisfactory location downstream from any pretreatment facilities, holding tanks, or other approved works, and ahead of the point of discharge of such waste into the sanitary sewer system. The design of the control manhole shall be in accordance with the requirements of the approving authority. The control manhole shall be maintained by such person so as to be safe, accessible, and in proper operating condition at all times.

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D. Properly identified approving authority personnel shall be allowed access at all reasonable times for purposes of inspection and sampling and shall have the right to inspect and copy records.

(Ord. of 4-23-91, Pt. IV, § 2; Code 1988, § 19.1-62; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

Sec. 16-420 Costs.

Costs shall be imposed as follows:

A. A surcharge for treating wastes with BOD and/or suspended solids concentrations greater than two hundred forty (240) parts per million may be rendered. This surcharge shall be imposed as herein provided in addition to any existing sewer service charges and to any sewer charge imposed after the adoption of this article. The surcharge shall include:

1. A charge covering the cost incurred by the RWSA in treating the wastes in the sewage treatment plants; and

2. A charge covering the cost incurred by the RWSA in sampling and analyzing the discharge.

B. The surcharge, as set forth in paragraph (A) of this section, shall be shown separately on the regular bill rendered to the proper persons each month by the ACSA. The dischargers shall pay in accordance with practices existing for payment of sewer charges.

C. The ACSA shall remit to the RWSA each month that part of the surcharge attributable to the increased operating and maintenance costs incurred by the RWSA in treating the waste.

D. The RWSA shall review, at least annually, the basis for determining charges and shall adjust the unit treatment costs to reflect increases or decreases in wastewater treatment costs based upon the RWSA's adopted annual budget.

E. Charges for the disposal of off-site and septic tank wastes as provided for in section 16-407 will be paid by the permittee directly to the RWSA in accordance with the current schedule and conditions contained in the letter of acceptance. Acceptance of domestic septic tank wastes is further subject to the advance purchase and render upon delivery for discharge, of a coupon to the operator on duty.

(Ord. of 4-3-91, Pt. IV, § 3; Code 1988, § 19.1-63; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

DIVISION 5. VIOLATION AND ENFORCEMENT

Sec. 16-421 Suspension of permit.

A permit issued pursuant to this article may be suspended as provided herein:

A. The approving authority may suspend a permit for a period not to exceed sixty (60) days when suspension is necessary in order to stop a discharge which, in the judgement of the authority presents an imminent hazard to the public health, safety or welfare, to the local environment, or to any portion of the sewerage system.

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B. Any discharger notified of a suspension of his permit shall immediately cease discharge of all industrial wastewater into the sewerage system. In the event of a failure of a discharger to comply voluntarily with the suspension order, the authority shall take such steps as are reasonably necessary to ensure compliance. The permit may be reinstated upon such terms and conditions as may be required if a reinspection by authority personnel reveals that the effluent is again in compliance with terms and conditions of the permit.

(Ord. of 4-3-91, Pt. V, § 1; Code 1988, § 19.1-71; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

Sec. 16-422 Revocation of permit.

A permit issued pursuant to this article may be revoked for just cause including, but not limited to:

1. Violation of any terms or conditions of the permit or of any part of this article or any other government regulations or discharge prohibitions.
2. Obtaining a permit by misrepresentation.
3. Failure to disclose fully relevant facts or to report significant changes in wastewater volume, constituents or characteristics.
4. False statement or data in any required monitoring report.
5. Refusal of reasonable access to the discharger's premises for the purpose of inspection or monitoring.
6. Failure to pay any and all costs as outlined in section 16-424 hereinbelow or section 16-419(B) and section 16-420(A).

(Ord. of 4-3-91, Pt. V, § 2; Code 1988, § 19.1-72; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

Sec. 16-423 Consequences of revocation.

Before any further discharge of industrial wastewater may be made by a discharger whose permit has been revoked, the discharger must apply for, and be granted, a reinstatement of the terminated permit, or a new permit, as the approving authority may require, and pay all delinquent fees, charges and costs occasioned by the violation.

(Ord. of 4-3-91, Pt. V, § 3; Code 1988, § 19.1-73; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

Sec. 16-424 Violation and penalties.

Any person who willfully or negligently violates any provision of this article may be subject to criminal penalties or a fine of up to one thousand dollars (\$1,000.00) per day of violation, or by imprisonment for up to twelve (12) months, or by both fine and imprisonment. Any person who violates any provision of this article or any condition or limitation of a permit, or plan approval related thereto, shall be financially responsible and liable to the ACSA and RWSA, in addition to normal service charges and surcharges, for all costs incurred by the ACSA and RWSA associated with the violation of this article, including, but not limited to the following:

1. Cost of mileage and labor incurred in detecting and correcting the violation.

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2. Laboratory analysis costs associated with detecting and correcting the violation.
3. Additional treatment costs caused by the violation or associated with detecting and correcting the violation.
4. Costs of any additional equipment acquired or expended by the ACSA and RWSA for detecting or correcting the violation.
5. Repair and/or replacement of any part of the sewage system damaged by the violation.
6. Any liability, damages, fines or penalties incurred by the ACSA and RWSA as a result of the violation.
7. Other costs as are associated with the detecting and correcting of the violation.

(Ord. of 4-3-91, Pt. V, § 4; Code 1988, § 19.1-74; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-5114.

ARTICLE V. CONSERVATION OF WATER

Sec. 16-500. Conservation of Water During Emergencies.

A. Should the board of supervisors, at any time, declare there to be an emergency in the county arising wholly or substantially out of a shortage of water supply, the Albemarle County Service Authority (the "authority") and its Executive Director (the "executive director") are hereby authorized during continuation of the water emergency to order the restriction or prohibition of any or all uses of the water supply, including but not limited to:

1. Watering of outside shrubbery, trees, lawn, grass, plants, home vegetable gardens, or any other vegetation, except from a watering can or other container not exceeding three (3) gallons in capacity. This limitation shall not apply to commercial greenhouses or nursery stocks, which may be watered in the minimum amount required to preserve plant life before 7:00 a.m. or after 8:00 p.m.
2. Washing of automobiles, trucks, trailers, or any other type of mobile equipment, except in licensed commercial vehicle wash facilities.
3. Washing of sidewalks, streets, driveways, parking lots, service station aprons, exteriors of homes or apartments, commercial or industrial buildings or any other outdoor surface, except where mandated by federal, state, or local law.
4. The operation of any ornamental fountain or other structure making a similar use of water.
5. The filling of swimming or wading pools requiring more than five gallons of water, or the refilling of swimming or wading pools which were drained after the effective date of the declaration of emergency, except that pools may be filled to a level of two feet below normal, or water may be added to bring the level to two feet below normal, or as necessary to protect the structure from hydrostatic damage, for pools constructed or contracted for on or before the effective date the declaration of emergency restrictions.
6. The use of water from fire hydrants for any purpose other than fire suppression, unless otherwise approved by the executive director.
7. The serving of drinking water in restaurants, except upon request.
8. The operation of any water-cooled comfort air conditioning that does not have water conserving equipment in operation.

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9. Any additional water use restriction deemed necessary.

The above restrictions, or any of them, shall become effective upon their being printed in any newspaper of general circulation in the county, or broadcast upon any radio or television station serving the county.

B. Upon implementation of subsection A, above, the authority shall establish an appeals procedure to review customer applications for exemptions from the provisions of subsections A on a case by case basis and, if warranted, to make equitable adjustments to such provisions. The authority shall also be empowered to establish regulations governing the granting of temporary exemptions applicable to all or some of the uses of the water supply set forth in subsection A. The authority shall, in deciding applications, balance economic and other hardships to the applicant resulting from the imposition of water use restrictions or allocations against the individual and cumulative impacts to the water supply resulting from the granting of exemptions.

C. Should measures taken pursuant to subsection A of this section prove insufficient to preserve sufficient supplies of water for the citizens of the county, the authority and its executive director are hereby further authorized to impose temporary rate increases or surcharges on the consumption of water, to restrict or discontinue the supply of water to any industrial or commercial activity which uses water beyond the sanitary and drinking needs of its employees and invitees, to declare a moratorium on new water connections to buildings issued a building permit after the date of declaration of emergency, and to restrict water use to basic human needs only.

D. Any person violating any provision of this section, or any order of the executive director of the authority issued pursuant to the authority granted hereunder shall be guilty of a class 3 misdemeanor. In addition, the executive director of the authority is hereby authorized to terminate the water service, for the duration of the emergency, to any person convicted of such violation.

E. In addition to the penalties set forth in subsection D, above, the authority and the executive director may impose penalty charges on any person violating any provision of this section. Such penalty charges shall be in an amount determined by the authority and shall be imposed on the violator's next water bill. If a violation continues after a notice of violation has been issued, or if such penalty charges are not paid when due, the executive director of the authority is authorized to terminate the water service and take any additional measures authorized by law.

Persons who have been assessed a penalty charge shall have the right to challenge the assessed charge by providing a written notice to the executive director of the authority within ten (10) days of the date of the assessment of the penalty charge. The executive director or his designee shall determine whether the penalty charge was properly assessed and notify the complaining person in writing of his determination. Any person aggrieved by the decision of the executive director may appeal that decision to a committee of the authority's board by filing an appeal in writing within five (5) days of notice of the executive director's decision. The executive director or his designee, or upon appeal, the committee of the authority's board, may waive the penalty charge if it is determined that the violation occurred due to no fault of the person. Water service shall not be terminated during the pendency of any appeal.

F. Nothing in this section shall be construed to prohibit the authority and its executive director from rescinding any orders issued thereunder when the conditions creating the need for such orders have abated.

G. Nothing in this section shall be construed to prohibit the authority and its executive director from exercising any and all powers and taking any and all actions authorized by the Virginia Water and Waste Authorities Act, Virginia Code §§ 15.2-5100, et al.

(Ord. 00-16(1), 8-2-00; Ord. 02-16(E)(1), 9-11-02; Ord. 02-16(2), 10-9-02)

State law reference-- Va. Code §15.2-924.