

# CHAPTER 66 – UTILITIES

Secs. 66-1–66-30. – Reserved.

## SANITARY SEWER SYSTEMS

### DIVISION 1. – GENERALLY

#### Sec. 66-31. – Definitions.

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

*Person* means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state and local governmental entities.

*Pollutants* means dredged soil, solid wastes, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal and certain characteristics of wastewater (e.g., pH temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor originating from any source other than residential discharge).

*Pretreatment policy* means the industrial pretreatment policy of RSA.

*Publicly owned treatment works or POTW* means a treatment works as defined in 33 USC 1292 which is owned by RSA. This definition includes any devices or systems used in the collection, storage,

treatment, recycling and reclamation of sewage or wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

*Rapidan Service Authority or RSA* means a water and sewer authority organized under the authority of Code of Virginia, § 15.2-5100 et seq. RSA's immediate service area includes Orange, Madison and Greene counties. RSA also provides services to users outside RSA's immediate service area.

*Sewers tributary* means all privately owned pipe laterals, pipe mains, pump stations, piping stubs and/or metering devices connected to RSA's sewer and/or the POTW.

*Wastes* means liquid or other wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources, or any discharge other than a residential discharge.

*(Ord. of 1-9-1996, § 2)*

**Sec. 66-32. – Discharge prohibited without permit.**

No person shall discharge any wastes or pollutants into a sanitary sewer system of RSA and in the sewers' tributary to the POTW of RSA without a valid permit from RSA allowing for such discharge of waste or pollutants, pursuant to RSA's pretreatment policy regulating and restricting the discharge of wastes and pollutants into the POTW of RSA, which rules and regulations are incorporated by reference by this section.

*(Ord. of 1-9-1996, § 3)*

**Sec. 66-33. – Discharge in violation of RSA pretreatment policy prohibited.**

No person holding a permit to discharge as provided in section

66-32 shall discharge into the POTW of RSA or into a sewage collection system tributary to the POTW of RSA in violation of the discharger's permit.

*(Ord. of 1-9-1996, § 4)*

**Sec. 66-34. – Violations/penalties.**

Any persons violating either section 66-32 or 66-33 shall be guilty of a class 1 misdemeanor punishable as provided in section 1-15.

*(Ord. of 1-9-1996, § 5)*

**Sec. 66-35. – Civil actions.**

The county, in addition to other remedies provided for in this article, may institute an appropriate action or proceeding, at law or in equity, to prevent violation or attempted violation, to restrain, correct and abate such violation, or to prevent any act which would constitute such a violation of the provisions of this article.

*(Ord. of 1-9-1996, § 6)*

**Secs. 66-36–66-60. – Reserved.**

**DIVISION 2. – BIOSOLIDS**

**Sec. 66-61. – Purpose and intent.**

(a) The purpose of this division is to monitor the application of biosolids to agricultural land in Orange County as authorized by the Code of Virginia and applicable regulations. This division is intended to implement the authority granted to local governments by Code of Virginia, § 62.1-44.19:3, to provide for the testing and monitoring of land application of biosolids within the political boundaries of Orange County in order to

ensure compliance with applicable laws and regulations and to make pertinent information available to the board of supervisors, county officials and residents of county on matters related to biosolids land application.

(b) Improper management of biosolids may result in adverse effects to human health, agricultural lands, water supplies, wildlife, livestock, natural resources and the environment.

(c) When properly managed, land application of biosolids represents the beneficial use of a recycled nutrient product. This division is intended to ensure that laws and regulations governing the land application of biosolids are properly implemented and enforced, and to minimize nuisance complaints related to land application of biosolids.

(d) This division is not intended to regulate the land application of animal waste or manures, water treatment plant sludge, or exceptional quality biosolids.

*(Ord. of 2-11-2003)*

**Sec. 66-62. – Authority and severability.**

(a) Authority. This division is adopted pursuant to the authority granted by the Code of Virginia, including but not limited to §§ 15.2-1200 et seq., 15.2-2283 et seq., and 62.1-44.19:3.

(b) Severability. In the event that any portion of this division is declared void for any reason, such decision shall not affect the remaining portions of the division, which shall remain in full force and effect, and for this purpose the provisions of this division are hereby declared to be severable.

*(Ord. of 2-11-2003)*

## **Sec. 66-63. – Definitions.**

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

*Biosolids* means sewage sludge that has received an established treatment for required pathogen control and is treated or managed to reduce vector attraction to a satisfactory level and contains acceptable levels of pollutants, such that it is acceptable for use for land application, marketing or distribution in accordance with state regulations.

*Biosolids monitor* means an employee of the county, either full-time or part-time, charged with the responsibility of ensuring that the land application of biosolids is conducted in accordance with applicable laws and regulations.

*Exceptional quality biosolids* means biosolids that have received an established level of treatment for pathogen control and vector attraction reduction and contain known levels of pollutants, such that they may be marketed or distributed for public use in accordance with state regulations.

*Land application* means the distribution of biosolids upon, or insertion into, the land at agronomic rates for the purpose of nutrient utilization.

*Permit* means an authorization granted by the authority of the Commonwealth of Virginia to land apply biosolids.

*Permittee* means any person who holds a permit authorizing the land application of biosolids.

*Sewage sludge* means any solid, semi-solid, or liquid residues, which contain materials, removed from municipal or domestic

wastewater during treatment including primary and secondary residues.

*Storage facility* means any facility whose purpose is to store biosolids during periods when inclement weather, field conditions or other circumstances beyond the control of the permittee, prevent or delay the land application of biosolids at the anticipated time.

*(Ord. of 2-11-2003)*

**Sec. 66-64. – Permitted application.**

(a) Provided it is performed in compliance with this division, land application of biosolids is authorized in those zoning districts where agricultural uses are permitted by right or authorized as a lawful nonconforming use.

(b) No person shall apply biosolids to land in Orange County except pursuant to a valid permit issued by the Virginia Department of Health or Department of Environmental Quality, in compliance with all applicable federal and state statutes and regulations, and in accordance with the provisions of this division.

(c) Any person proposing or intending to land apply biosolids to lands in the county shall notify the biosolids monitor in writing at least two weeks prior to any intended land application of biosolids, or as required by state law or regulation.

(d) The notice provided to the biosolids monitor shall include the following information:

- (1) The name, address and telephone number of the permittee;
- (2) The tax map numbers of the parcels where land application

will occur;

(3) The name, address and telephone number of the owner of the property where the land application will occur;

(4) The estimated date range on which land application will occur;

(5) A copy of the permit authorizing the land application;

(6) Evidence of a nutrient management plan (NMP) as required by state regulations to assure balanced use of biosolids to prevent overdose by limiting amount applied per acre to soil and crop needs; and

(7) Information on high traffic uses which may impact county services, such as school bus routing.

(e) On a routine basis, the permittee shall provide an update to the biosolids monitor as to the progress of operations while operations are conducted within Orange County.

(f) If requested by the biosolids monitor, the permittee shall provide the most recent analysis results for biosolids and or land application reports that are land-applied at any site in Orange County.

(g) By agreeing to accept biosolids for land application, the owner of the property on which land application takes place agrees to allow the biosolids monitor access to the land application site for the purpose of monitoring land application activities. It is the responsibility of the permittee to ensure that the property owner is advised of this requirement. The biosolids monitor shall make diligent efforts to make contact with the property owner prior to entering the property. The biosolids monitor's right of access shall extend from the date on which the notification required by section 66-64 is submitted

until 15 days after land application has been completed at the site.

(h) The biosolids monitor shall conduct routine visits to each land application site to assure compliance with permit conditions, particularly required setbacks (buffer areas). These visits shall be conducted at least one time per field.

*(Ord. of 2-11-2003)*

**Sec. 66-65. – Spill response.**

The biosolids monitor shall immediately notify the permittee of any failure to follow the requirements of the permit, applicable regulations or the permittee's operational plan, resulting in the improper application of biosolids or in the spillage of biosolids onto public streets or rights-of-way or on property outside the area authorized by the permit. The permittee shall respond, in conformance with its operational plan and established company policy, to undertake appropriate corrective action for improperly applied biosolids, or to clean up biosolids spilled onto public streets, roadways or other unpermitted areas, immediately upon receiving such notification. In the event that the permittee does not respond to notification of spillage or improper application and the county conducts the cleanup of spilled biosolids, the permittee shall compensate the county for the actual costs of such cleanup.

The permittee is responsible for ensuring that the drag-out or track-out of biosolids from land application sites onto public roads is minimized and that biosolids that are dragged or tracked out from land application sites are promptly removed from public roads and highways.

*(Ord. of 2-11-2003)*



**Sec. 66-66. – Landowner notification.**

The biosolids monitor will notify adjoining landowners in writing in advance of field operations by the permittee. Such notices shall be sent via first class mail to the latest known address of each adjoining landowner according to county land records, and shall be sent upon receipt of any spreading schedule received from the permittee. Potential conflicts between operating schedules and adjoining land owner activities (e.g., family reunions, weddings, etc.) will be brought to the attention of the permittee in writing at least one week in advance of the scheduled activity so that the schedule for spreading biosolids can be adjusted to minimize potential nuisance.

*(Ord. of 2-11-2003)*

**Sec. 66-67. – Scheduling.**

The permittee will, at the request of the biosolids monitor, make all reasonable efforts to schedule land application activities so as to avoid conflicts with outdoor community or social events in the vicinity of the land application site.

*(Ord. of 2-11-2003)*

**Sec. 66-68. – Storage.**

Biosolids shall be land applied as they are received at the site unless land application is precluded by unforeseen weather conditions or other circumstances beyond the control of the permittee. Biosolids shall not be stored at any site in Orange County other than storage that is approved in accordance with the Regulations of the Virginia Department of Health. The biosolids monitor shall be notified as to the construction of biosolids storage sites prior to their construction.

*(Ord. of 2-11-2003)*

**Sec. 66-69. – Insurance.**

Land application of biosolids is not allowed unless the permittee has in effect liability insurance in the amount that is required by state law or regulation, covering losses and claims arising from the land application or transportation of biosolids and related activities in Orange County. Such insurance shall be maintained in full force and effect throughout the time that the applicator is engaged in land application of biosolids in Orange County. The permittee shall provide the biosolids monitor with certificates of insurance and shall promptly notify the biosolids monitor of any claims against the policy. The permittee shall promptly advise the biosolids monitor of any proposed cancellation or modification of insurance coverage.

*(Ord. of 2-11-2003)*

**Sec. 66-70. – Fees.**

The county may assess such fees on land application and related activities as are allowed by applicable state law and regulations.

*(Ord. of 2-11-2003)*

**Sec. 66-71. – Fee reimbursement program.**

The county may, at its discretion, participate in a reimbursement program to cover biosolids monitoring and/or testing costs, if such a program is established by the state.

*(Ord. of 2-11-2003)*

**Sec. 66-72. – Effective date.**

This division is effective immediately. Any land application that is in progress on the date this division is adopted (February 11, 2003), and any land application that was scheduled before the effective date of this division, shall be deemed in compliance with this division provided that application is completed within 30 days after the effective date of this division.

*(Ord. of 2-11-2003)*

**Sec. 66-73. – Violation.**

Any violation of this division shall be a class 1 misdemeanor as defined in the Code of Virginia. Each violation shall constitute a separate offense.

*(Ord. of 2-11-2003)*