

## **PUBLIC NOTICE**

The Greene County Board of Supervisors will hold a public hearing on Tuesday, July 13, 2010 at 7:30 p.m. in the County Meeting Room to consider the following:

- Amend County Code by adding Chapter 31 – Water and Sewer – pertaining to the regulation of private water and sewer systems.

A copy of the proposed amendment may be viewed at the County Administrator's Office, 40 Celt Road, Stanardsville, VA or online at [www.gcva.us](http://www.gcva.us).

Barry J. Clark, Clerk  
Greene County Board of Supervisors

# **PROPOSED COUNTY CODE REVISIONS**

## **CHAPTER 31 – WATER AND SEWER**

### **Article I - CENTRAL SEWERAGE SYSTEMS AND CENTRAL WATER SUPPLY**

**Sec. 31-1 Applicability.**

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**Sec. 31-8 Inspection of central water supplies.**

**Sec. 31-9 Violation and penalty.**

**Sec. 31-1 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.

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

**Sec. 31-2 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 not owned or operated by Greene County or RSA.

(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 not owned or operated by Greene County or RSA.

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

(4) *RSA.* The term "RSA" means the Rapidan Service Authority.

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

**Sec. 31-3 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.

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

#### **Sec. 31-4 Transmittal of notice and plans for review.**

Upon receipt of a notice pursuant to section 31-3, the clerk of the board of supervisors shall transmit a copy of the notice, and all information accompanying the notice, to the Board of Supervisors or its designee. The Board of Supervisors or its designee shall review the notice and information to determine its compliance with this Code, County policies and ordinances. The Board of Supervisors or its designee shall coordinate his review with the health department and, when applicable, the Rapidan Service Authority.

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

#### **Sec. 31-5 Hearing on proposal.**

Upon receipt of a notice pursuant to section 31-3, 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 Board of Supervisors or its designee has completed a review of the plans submitted by the applicant. Prior to the meeting at which the proposal will be considered, the Board of Supervisors or its designee shall submit a written recommendation to the board. The applicant shall appear in person when the proposal is considered by the board.

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

#### **Sec. 31-6 Action on proposal.**

A. After consideration of a proposal as provided in section 31-5, 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 Board of Supervisors or its designee, 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 Board of Supervisors or its designee, 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.

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

#### **Sec. 31-7 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 31-5, 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.

#### **Sec. 31-8 Inspection of central water supplies.**

The Board of Supervisors or its designee 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 Board of Supervisors or its designee to

accomplish the inspection. Upon completion of the inspection, the Board of Supervisors or its designee shall report to the board of supervisors his findings.

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

**Sec. 31-9 Violation and penalty.**

A. Any person who fails or refuses to notify the board of supervisors as provided in section 31-3 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 31-8, 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 31-8 shall be guilty of a misdemeanor and shall be subject to the penalties set forth in section 1-8 of the Code.

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

## **State law reference—Virginia Code § 15.2**

§ 15.2-2121. Regulations as to water, sewer and other facilities in subdivisions and development plans.

Any locality which has adopted regulations under Chapter 22 (§ 15.2-2200 et seq.) governing the use and development of land may also adopt regulations, subject to the provisions of Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1, fixing requirements as to the extent to which and the manner in which water, sewer and other utility mains, piping, conduits, connections, pumping stations and other facilities in connection therewith shall be installed as a condition precedent to the approval of an original plat of a subdivision or a development plan adopted pursuant to § 15.2-2286, or alteration of any such plat or a development plan adopted pursuant to § 15.2-2286. Such regulations may (i) require the water source to be an approved source of supply capable of furnishing the needs of the eventual inhabitants of such subdivision proposed to be served thereby, (ii) include requirements as to the size and nature of the water and sewer and other utility mains, pipes, conduits, connections, pumping stations or other facilities installed or to be installed in connection with the proposed water or sewer systems and (iii) include requirements to extend and connect to abutting or adjacent public water or sewer systems.

(Code 1950, § 15-719.1; 1954, c. 592; 1962, c. 623, § 15.1-299; 1970, c. 572; 1997, c. 587; 2005, c. 567.)

§ 15.2-2126. Notice to governing body required prior to construction.

Any person, including municipal corporations, that proposes to establish a sewage system consisting of pipelines or conduits, pumping stations, force mains or sewerage treatment plants, or any of them, or an extension of any existing system which is designed to serve three or more connections and used for conducting or treating sewage, as that term is defined in Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1, to serve or to be capable of serving three or more connections shall, at least sixty days prior to commencing construction thereof, notify in writing the governing body of the county in which such sewage system is to be located and shall appear at a regular meeting thereof and notify such governing body in person. However, a town proposing to construct or expand a sewage system shall not be required to provide notice in writing or in person to a county if the county itself does not operate a sewage system or provide sewerage services.

In any county having a population of more than 70,000 according to the 1950 or any subsequent census or a county adjoining a city having a population of 230,000 or more according to the 1950 or any subsequent census, no extension of an existing system for the purpose of serving three or more connections shall be made by any person, firm or corporation, other than a municipal corporation, until a plan of such proposed extension, with proof of capacity to serve, has been filed with, and a permit for the extension has been obtained from, the sanitation engineer or other county official, if any, designated therefor by the board of supervisors.

(Code 1950, § 15-739.7; 1954, c. 382; 1956, c. 655; 1958, c. 284; 1962, c. 623, § 15.1-326; 1974, c. 246; 1990, c. 501; 1997, c. 587.)

§ 15.2-2127. Disapproval of system by governing body; failure to disapprove within seventy days.

The governing body of any county notified of the proposed establishment of a sewage system or of the extension of any existing sewage system under § 15.2-2126 is authorized to disapprove the same, 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 service. If, at the expiration of seventy days from the date on which the applicant appeared before the governing body, such governing body has not disapproved the application, the applicant may proceed with the construction and installation of such sewage system, provided he first gives notice to the chairman of the governing body by registered mail of his intention to proceed.

(Code 1950, § 15-739.8; 1954, c. 382; 1956, c. 273; 1958, c. 65; 1962, c. 623, § 15.1-327; 1997, c. 587.)

§ 15.2-2128. Denial of application for sewage system by governing body of county or town which has adopted master plan for sewerage.

Notwithstanding any other provision of general law relating to the approval of sewage systems, the governing body of any county or town which has adopted a master plan for a sewage system is authorized to deny an application for a sewage system if such denial appears to it to be in the best interest of the inhabitants of the county or town.

(1968, c. 300, § 15.1-327.1; 1997, c. 587.)

§ 15.2-2129. Contents of notice to governing body; further information.

The applicant shall state in the notice to the governing body required by § 15.2-2126 the number and nature of the connections to which service will be given under the certificate applied for. The governing body may require such further information as it deems desirable in order to pass upon the application.

(Code 1950, § 15-739.9; 1954, c. 382; 1962, c. 623, § 15.1-328; 1997, c. 587.)

§ 15.2-2130. Extensions to systems.

No person, including municipal corporations, which has constructed or installed a sewage system after having complied with the provisions of this article, shall extend the service in excess of the number of connections for which approval was originally given. In case any such extension is desired, the person shall proceed in the same manner as in the case of an original application under this article.

(Code 1950, § 15-739.10; 1954, c. 382; 1962, c. 623, § 15.1-329; 1974, c. 246; 1997, c. 587.)

§ 15.2-2131. Article not applicable to hotel corporations.

No provision of this article shall apply to a corporation whose principal business is the operation of a hotel and which may extend the use of its surplus sewage facilities to a limited number of patrons.

(Code 1950, § 15-739.11; 1954, c. 382; 1962, c. 623, § 15.1-330; 1997, c. 587.)

§ 15.2-2133. Penalty; enjoining violation.

Any person violating any provision of this article shall be guilty of a Class 2 misdemeanor and, in addition, may be enjoined from further violation of this article.

(Code 1950, § 15-739.13; 1954, c. 382; 1962, c. 623, § 15.1-332; 1991, c. 710; 1997, c. 587.)

§ 15.2-2144. Inspection of water supplies.

A. Every locality may regulate and inspect public and private water supplies; the production, preparation, transmission and distribution of water; and the sanitation of establishments, systems, facilities and equipment in or by means of which water is produced, prepared, transmitted and distributed. It may prevent the pollution of such water supplies; and, without liability to the owner thereof, may prevent the transmission or distribution of water when it is found to be polluted, adulterated, impure or dangerous.

B. Every public water supply operator shall at least annually test the public water supply for the presence of methyl tertiary-butyl ether (MTBE). The locality shall maintain a record of testing conducted pursuant to this subsection. If the results of any test conducted pursuant to this subsection indicates the presence of MTBE in excess of 15 parts per billion, the locality shall immediately notify the Department of Environmental Quality and the Department of Health. The Division of Consolidated Laboratory Services shall maintain and make available, upon the request of any person, a list of laboratories, accredited under the provisions of the federal Safe Drinking Water Act (42 U.S.C. § 300f et seq.) to analyze samples, located throughout the Commonwealth that possess the technical expertise to analyze water samples for the presence of MTBE. Any lab seeking accreditation under the Safe Drinking Water Act may contact the Division of Consolidated Laboratory Services. The Division of Consolidated Laboratory Services shall establish a fee system to offset the costs of tests performed on behalf of public water supply operators. Such test may be conducted simultaneously with other tests.

Notwithstanding the provisions of this subsection, the State Board of Health, acting pursuant to its authority regarding public water supplies, may establish an alternative schedule for water supply testing, which shall apply in lieu of this subsection, for any public waterworks where annual testing is not otherwise required, if it determines that an alternative schedule is appropriate to protect the public health and promote the public welfare.

(Code 1950, § 15-77.18; 1958, c. 328; 1962, c. 623, § 15.1-854; 1997, c. 587; 2000, c. 1004; 2004, c. 438.)

§ 15.2-2149. Notice to county and State Board of Health required prior to construction.

Any person, including municipal corporations, that proposes to establish 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, to serve or to be capable of serving three or more connections shall notify the State Board of Health and shall notify in writing the governing body of the county in which such water system is to be located and shall appear at a regular meeting thereof and notify such governing body in person.

In any county having a population of more than 60,000 according to the 1960 or any subsequent census or a county adjoining a city having a population of 200,000 or more according to the 1960 or any subsequent census, no extension of an existing system for the purpose of serving three or more connections shall be made by any person, firm or corporation, other than a municipal corporation, until a plan of such proposed extension, with proof of capacity to serve, has been filed with, and a permit for extension has been obtained from, the sanitation engineer or other county official, if any, designated therefor by the board of supervisors.

(Code 1950, § 15-754.1; 1954, c. 455; 1956, c. 636; 1958, c. 128; 1962, c. 623, § 15.1-341; 1964, c. 191; 1974, c. 246; 1997, c. 587.)

§ 15.2-2151. Disapproval of system by governing body of counties; failure to disapprove within seventy days.

The governing body of any county notified of the proposed establishment of a water system or of the extension of any existing water system under the second paragraph of § 15.2-2149 may disapprove the same, 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. If, at the expiration of seventy days from the date on which the applicant appeared before the governing body, such governing body has not disapproved the application, the applicant may proceed with the construction and installation of such water system, provided he first gives notice to the chairman of the governing body by registered mail of his intention to proceed.

(Code 1950, § 15-754.3; 1954, c. 455; 1956, c. 273; 1958, c. 128; 1962, c. 623, § 15.1-343; 1997, c. 587.)

§ 15.2-2152. Contents of notice to governing body; further information.

The applicant shall state in the notice to the governing body required by § 15.2-2149 the number and nature of the connections to which service will be given under the certificate applied for. The governing body may require such further information as it deems desirable in order to pass upon the application.

(Code 1950, § 15-754.4; 1954, c. 455; 1962, c. 623, § 15.1-344; 1997, c. 587.)

§ 15.2-2154. Article not applicable to hotel corporations.

No provision of this article shall apply to a corporation whose principal business is the operation of a hotel and which from its surplus facilities may furnish water to a limited number of patrons.

(Code 1950, § 15-754.6; 1954, c. 455; 1962, c. 623, § 15.1-346; 1997, c. 587.)

§ 15.2-2156. Penalty; enjoining violation.

Any person violating any provision of this article shall be guilty of a Class 2 misdemeanor and, in addition, may be enjoined from further violation of this article.

(Code 1950, § 15-754.8; 1954, c. 455; 1962, c. 623, § 15.1-348; 1991, c. 710; 1997, c. 587.)