

PERMANENT PUMP & HAUL POLICY – CULPEPER COUNTY

WHEREAS, the Code of Virginia (1950), as amended, at Title 32.1. Health, Chapter 6. Environmental Health Services, Article 1. Sewage Disposal, addresses the regulatory arrangement in the Commonwealth of Virginia (CW) as to sewage handling and disposal; and

WHEREAS, the Commonwealth of Virginia, Department of Health (CWDH), has enacted regulations attendant to Title 32.1, Chapter 6, Article 1 and its duties under the Code of Virginia; and

WHEREAS, the Sewage Handling and Disposal Regulations (SHDR) of the CWDH are found at 12 VAC 5-610-20, et seq.; and

WHEREAS, the purpose of the SHDR is to assure that all sewage is handled and disposed of in a safe and sanitary manner; to guide the State Health Commissioner in his determination of whether a permit for handling or disposing of sewage should be issued or denied; and to guide the owner in the requirements necessary to secure a permit for handling and disposing of sewage; and

WHEREAS, in the SHDR “pump and haul” is defined as “an unusual circumstance wherein sewage is permitted to be transported by vehicle to a point of disposal”; and

WHEREAS, the SHDR provides that pumping and hauling on a permanent basis, which is defined as in excess of one year, is prohibited with limited exception, unless done under the auspices and supervision of a government entity as provided for in 12 VAC 5-610-599.3; and

WHEREAS, whether a locality seeks to oversee permanent pump and haul operations under its auspices and supervision is a matter within the sole discretion of the local governing body given resources available to properly engage in such oversight; and

WHEREAS, where a locality in its sole discretion seeks to undertake the supervision of permanent pump and haul endeavor the locality is required to execute a contract between said locality and the CWDH setting forth that the locality will provide pump and haul services either directly or through a private contractor holding a sewage handling permit; and

WHEREAS, the Culpeper County Board of Supervisors presently maintains a General Permit from the CWDH and is currently responsible for supervision of the pump and haul operations of sixteen (16) different entities listed on the General Permit; and

WHEREAS, Culpeper County does not have the available staff or other resources, nor the necessary expertise, to continue to provide properly for supervision over additional pump and haul operations; and

WHEREAS, based upon the availability of new technology which has exponentially increased the number of options available for sewage disposal, the Culpeper County Board of Supervisors does not support the use of pump and haul operations as a permanent method of sewage disposal, except in the rarest of circumstances and upon sufficient demonstration of extreme hardship conditions;

NOW THEREFORE BE IT RESOLVED that Culpeper County shall no longer add any new entities and/or operations to its existing General Permit; and

BE IT FURTHER RESOLVED that Culpeper County will entertain requests for permanent pump and haul operations on a case-by-case, individual basis as is contemplated in the Virginia Administrative Code and in strict accordance with the following conditions and criteria as set by the Board of Supervisors:

GENERAL

1. Requests shall be made in the form of an application to the Board of Supervisors which shall be scheduled to be considered within 90 days at a regularly scheduled business meeting of the Board of Supervisors.
2. Requests and the attendant application shall not be subject to public hearing.
3. Each application shall be accompanied by a non-refundable \$500.00 application fee. This amount may be amended by the Board from time to time. Applications shall be submitted to the Culpeper County Planning Director for processing and will only be accepted after a consultation with the Planning Director has taken place to allow the applicant to understand the policies established herein.
4. For any permit that is approved by vote of the governing body, the permittee (property owner) shall enter into an agreement with the County agreeing to provide engineered plans for, construct, and operate the pump and haul system in accordance with all Virginia Department of Health regulations. Further, the agreement shall require the permittee to hold the County harmless for any and all actions thereby. The County may require the permittee to post a bond, with surety approved by the County, for the purpose of insuring the continuation of the pump and haul operation pursuant to the Virginia Department of Health regulations and/or the agreement. Forfeiture of the bond shall not relieve the owner of complying with all legal requirements set forth in the Virginia Department of Health regulations.
5. The Board may grant approval for a period of up to two (2) years. Renewal of the permit for one additional 2-year period may be approved by the County Administrator provided that the owner provides acceptable evidence that the pump and haul system has been properly operated and maintained without incident over the preceding two years. Any extensions beyond one renewal must be considered by the Board and in accordance with policy.
6. Each request which comes before the Board will be treated as an individual, unique request which shall be subject to specific consideration by the Board and, if approved, may be subject to specific terms and additional conditions which would address the individual situation.

EXTREME HARDSHIP CONDITIONS

Pump and haul operations shall be limited to instances where an existing condition exists which is so severe that it rises to the level of extreme hardship. The following shall be noted:

1. Permanent pump and haul operations shall not be permitted for new construction.
2. Where an applicant is not the landowner of record but is merely a proposed owner, there will be a presumption against a finding of an extreme hardship and that any hardship claimed will have been self-imposed; therefore, generally, it will not qualify as an extreme hardship.
3. The site proposed shall be 1,000 feet or more from the nearest connection to a centralized sewage treatment system in order to be considered.
4. The Applicant will be required to demonstrate that every reasonable effort to obtain service by traditional and non-traditional (alternative) sewage treatment systems has been exhausted. This shall include providing sufficient proof that a professional soils consultant has been contracted with to evaluate the site, has evaluated the site, and has determined that no viable traditional or alternative system can be accommodated on the site. The demonstration must also include evidence of good faith consideration of and efforts towards the potential for an off-site easement, which could potentially provide a viable area for traditional and/or alternative sewage disposal, and that the applicant in good faith was unsuccessful in those efforts.
5. At its sole discretion, the Board of Supervisors may require that the applicant provide for the cost of a soils evaluation to be done by a third party professional consultant to be hired by the County in accordance with its own procurement policies. If required by the Board, the cost of such evaluation will be determined by the County, and the applicant will have the opportunity to cover the cost, or alternatively, decline to further pursue the pump and haul permit.
6. Economic considerations shall not be considered as an extreme hardship, unless it is sufficiently demonstrated, through an estimate by a professional engineer that the cost of any viable alternative sewage disposal method, including connection to public water and sewer service, would exceed fifty percent (50%) of the total value of the property and improvements to be served.

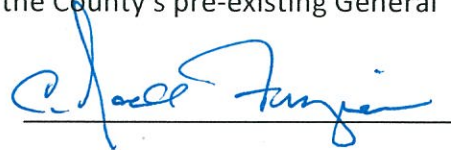
ADDITIONAL CRITERIA

1. A permit may be granted only for an existing use which will not exceed more than 200 gallons per day of sewage disposal.
2. Only domestic sewage may be handled by a pump and haul system. No industrial waste, restaurant waste or other commercial waste (other than domestic waste from employee bathrooms) shall utilize a pump and haul system.
3. The maximum capacity of any approved pump and haul system shall be limited to 2,000 gallons. The County will not consider approval of any larger systems.
4. The property owner shall provide copies of an agreement to pump and haul the sewage with a contract hauler holding a sewage handling permit. The property owner shall

provide the County with copies of all invoices from the contract hauler to demonstrate that the system is being pumped regularly. Such copies of invoices shall be provided at least once every two months. Failure to comply with this requirement will result in revocation of the pump and haul permit.

5. Every pump and haul permit approved shall be equipped with an audio-visual alarm that shall be activated when the pump and haul storage facility reaches 75% of its capacity. The alarm system shall be installed such that alarm notice is provided to a service (alarm service) which is manned 24 hours per day.

This Policy is adopted effective January 3, 2017 and shall replace any previously adopted policy regarding pump and haul permitting. The Policy shall be applicable to any request for permanent pump and haul, which is not covered under the County's pre-existing General Permit.



C. Jack Frazier, Chairman

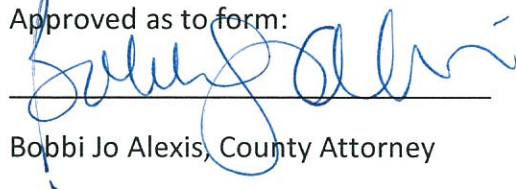
Culpeper County Board of Supervisors

ATTEST:



John C. Egertson, Clerk to the Board

Approved as to form:



Bobbi Jo Alexis, County Attorney