

Middlesex County Board of Supervisors



At a meeting of the Middlesex County Board of Supervisors held on Tuesday July 12, 2022 at 7:00 p.m. in the Board Room of the Historic Courthouse, Saluda, Virginia: On a motion duly made by Supervisor Koontz, and seconded by Supervisor Jessie, the following Ordinance was adopted by the following vote:

Lud H. Kimbrough, III	Aye
Wayne H. Jessie, Sr.,	Aye
John B. Koontz, Jr.,	Aye
Reginald A. Williams, Sr.	Aye
Don R. Harris	Aye

AN ORDINANCE ENTITLED PUMP AND HAUL SEWAGE DISPOSAL

WHEREAS, the Board of Supervisors for Middlesex County, Virginia, desires to adopt an Ordinance that permits the use of pump and haul as a long-term means of disposal of sewage for existing residential structures, existing commercial structures, and other existing facilities when the local Health Department determines it to be the only practical means to dispose of such material; and

WHEREAS, existing businesses within Middlesex County have requested to be added to the County's permit and allow them to pump and haul sewage until public sewer can be provided; and

WHEREAS, the Board of Supervisors of Middlesex County held a duly advertised public hearing concerning the ordinance on July 12, 2022.

NOW, THEREFORE, BE IT ORDAINED by the Middlesex County Board of Supervisors this 12th day of July, 2022 that an ordinance entitled Pump and Haul Sewage Disposal is hereby enacted as follows:

Section 1. Definitions.

Alternative Onsite Sewage System (AOSS) means a sewage/wastewater treatment works that is not considered a conventional septic system and does not result in a point source discharge.

Applicant means the owner of the property which the structure is located on.

Approved method of sewage disposal means water carriage disposal of sewage to an approved public or private sewage treatment system, an approved septic tank or other

approved alternative onsite sewage system; or non-water carriage disposal of human excrement only to an approved pit privy or other approved privy facility. All approved methods of sewage disposal must dispose of human excrement in a manner that is sanitary.

Approving authority means the health director or officer or his or her duly authorized agent.

Available means able to be used or obtained; at someone's disposal.

Bond means a surety bond issued by a recognized financial institution, an unrestricted letter of credit issued by a bank or other financial institution, or other evidence of financial ability to ensure compliance, any of which is acceptable to the Zoning Administrator and County Attorney.

Conventional septic system means a sewage/wastewater disposal system consisting of a sewer line, septic tank, distribution box, two (2) or more header lines and a gravity trench of dispersal system where wastewater is released to the soil for final treatment and then into the environment. These systems may use a sewage pump or siphon to lift the effluent to a single higher elevation.

Failure, when not remedied by maintenance, means the following:

- (a) When a system's treated or non-treated wastewater does not hydraulically flow as designed (which includes surfacing of effluent in soil-based systems);
- (b) When permitted or design treatment standards or effluent limitations are not being met; or
- (c) When piping, equipment, and/or appurtenances are not performing, or capable of performing, as designed.

Health Department means the same as the approving authority.

Health Director or Officer means an employee of the Virginia Department of Health with authority to enforce the regulations promulgated by the state board of health.

Maintenance means performing adjustments to equipment and controls and in-kind replacement of normal wear and tear parts such as light bulbs, fuses, filters, pumps, motors, or other system components. It includes pumping the tanks on a periodic basis as well as repair and replacement of the building sewer, septic tank or any of its parts, septic tank effluent pump or pump chamber, conveyance lines, distribution boxes, chemical treatment, flushing, root removal, and excavation not exceeding one hundred (100) square feet to access a line for repair or replacement of any portion of the drain field. It does not include repair or replacement requiring more than one hundred (100) square feet of excavation, or any other work requiring a construction permit issued by the state board of health.

Public Sewer means a common sewer directly controlled by the county or other public authority.

Sanitary shall mean a condition or arrangement that does not adversely affect the health and welfare of any person. An unsanitary condition or arrangement shall include, but not be limited to, endangering any source of food or drinking water or allowing insects, animals, or human access to human excrement.

Section 2. Approval according to criteria.

Permanent pump and haul permits may be approved, when an Approved method of sewage disposal is not available or economically feasible, by the Board of Supervisors of Middlesex County pursuant to the conditions or criteria of this Ordinance.

Section 3. Granting of permit for existing buildings.

A permit may be granted only for an existing building and/or structure, wherein the applicant shall produce evidence that the Health Department has identified a failure and rejected an application for a Conventional Septic System and/or all of the approved Alternative Onsite Sewage Systems, and/or a central sewage disposal system is not available.

Section 4. Evidence of agreement with contract hauler required.

The Applicant shall provide copies of an agreement to pump and haul the sewage with a Licensed Sewage Handler holding a sewage handling permit authorized by the Health Department. The Applicant shall provide the County with a copy of the invoice(s) from the Licensed Sewage Handler on a monthly basis so that the County is assured that the system is being pumped regularly. Failure to provide such an invoice, or a letter of explanation shall be taken as evidence that the owner has ceased to continue the pump and haul operation and shall result in the revocation of the pump and haul permit.

Section 5. Bond.

The Applicant shall enter into an agreement with the County, agreeing to construct and operate the permanent pump and haul system pursuant to all Health Department regulations and further holding the County harmless for any and all actions thereby. The County will require the applicant to post a bond, with surety approved by the County, for the purpose of ensuring continuation of the pump and haul operation for a minimum of two months. Such bond shall be forfeited if the owner ceases to continue the pump and haul operation pursuant to Health Department regulations and/or said agreement. Forfeiture of the bond shall not relieve the owner of complying with all legal requirements set forth in state and County regulations.

Section 6. Alarm service.

The pump and haul storage facility, in addition to being constructed and maintained pursuant to Health Department regulations, shall be equipped with an audiovisual alarm that shall be activated when said storage facility is seventy-five percent (75%) full. Said alarm system shall be installed and operated so as to provide audiovisual notice at two (2) locations - the storage facility and a location which is manned twenty-four (24) hours per day (alarm service). The alarm service must notify the property owner and County of any sounding of the alarm. Failure to provide notice of any sounding of the alarm can be taken as evidence that the owner has ceased to continue the pump and haul operation and may result in the revocation of the pump and haul permit.

Section 7. Two-year approval and renewal.

An initial pump and haul permit application shall be brought before the Board of Supervisors for consideration. The Board may grant approval for a period of up to two (2) years. Renewal of the permit for additional two-year periods may be approved by the Zoning Administrator, provided that the owner provides acceptable evidence that the pump and haul system has been properly operated and maintained over the preceding two (2) years. In the event Public Sewer becomes available to such facility, owner shall connect the facility to such line within 60 days of Public Sewer being made available to such facility and thereby terminating the owner's permit for pump and haul.

CERTIFICATION

I, Matthew L. Walker, Clerk of the Board of Supervisors of the County of Middlesex, Virginia, certify that the foregoing is a true and correct copy of an ordinance passed at a lawfully organized meeting of the Board of Supervisors of Middlesex County held at Saluda, Virginia, at 7:00 P.M., July 12, 2022.



Matthew L. Walker, Clerk