

AN ORDINANCE CONCERNING
THE LAND APPLICATION OF SEWER SLUDGE IN
BUCKINGHAM COUNTY

ARTICLE ONE NAME

The name of the ordinance shall be The Sewer Sludge Land Application Ordinance for Buckingham County.

ARTICLE TWO: DEFINITIONS

"Biosolids" means a 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 the regulations of the Virginia Department of Health

"Biosolids Coordinator" means an employee of the County or agent designated by the County, whether full time or part time, who shall monitor the application of Biosolids to the lands of the County to insure that the applications are performed in accordance with all applicable laws, rules, regulations and ordinances. Unless otherwise specifically designated by the Board of Supervisors and in absence of such designation or individual, the Zoning Administrator shall serve as the Biosolids Coordinator.

"Land application" means the distribution of either treated wastewater of acceptable quality, referred to as effluent, or supernatant from Biosolids use facilities, or stabilized sewage sludge of acceptable quality, referred to as Biosolids, upon, or insertion into, the land with a uniform application rate for the purpose of utilization, assimilation or pollutant removal.

"Owner" means any individual, any group of individuals acting individually or as a group, or any public or private institution, corporation, company, partnership, firm or association.

"Permit" means an authorization granted by the authority of the State of Virginia to operate, facilities and specific sites utilized for Biosolids management, including land application, marketing and distribution of Biosolids.

"Sewage" means the water-carried and non-water-carried human excrement, kitchen, laundry, shower, bath or lavatory wastes, separately or together with such underground, surface, storm and other water and liquid industrial wastes as may be present from residences, buildings, vehicles, industrial establishments or other places.

"Sewage sludge" or "sludge" means any solid, semisolid, or liquid residues which contain materials removed from municipal or domestic wastewater during treatment including primary and secondary residues. Other residuals or solid wastes consisting of materials collected and removed by sewage treatment, septage and portable toilet wastes are also included in this definition. Liquid sludge contains less than 15% dry residue by weight. Dewatered sludge contains 15% or more dry residue by weight. The liquid obtained from separation of suspended matter during sludge treatment or storage is referred to as supernatant.

"Shall" means a mandatory requirement.

"Should" means a recommendation.

ARTICLE THREE

PERMITTED APPLICATION

- A. No individual, group of individuals acting individually or as a group, or no public or private institution, corporation, company, partnership, firm or association shall apply to any lands in the County of Buckingham any Biosolids, sewage, sewage sludge or sludge unless permitted to do so by the laws of the Commonwealth of Virginia, the Regulations and Rules of all State and Federal Agencies and unless applied in accordance with this ordinance.

- B. Any individual, group of individuals acting individually or as a group, or any public or private institution, corporation, company, partnership, firm or association holding a permit issued by authority of the Commonwealth of Virginia who intends to apply or have applied to land any Biosolids, sewage, sewage sludge or sludge to any lands in the County of Buckingham shall:
 - 1. Do so only in accordance with the permit issued by authority of the State of Virginia;
 - 2. Do so in accordance with this ordinance;
 - 3. Do so in compliance with all other ordinances, laws, rules and regulations of the State of Virginia, the County of Buckingham, and the United States Government;
 - 4. Notify in writing the Biosolids Coordinator at least thirty (30) days prior to the anticipated land application of the Biosolids to any land in the County of Buckingham of the dates and times it is anticipated that Biosolids will be applied to land in Buckingham County. The notification may give alternative dates if weather or other factors prevent the application on the anticipated date. The County shall notified as soon as reasonably possible that the Biosolids will not be applied on the anticipated date and what alternative date will be used;
 - 5. Identify in writing to the Biosolids Coordinator the name, address and phone number of the applicator;
 - 6. Identify in writing to the Biosolids Coordinator the specific land where the application will take place;

7. Identify in writing to the Biosolids Coordinator the owner of the land, the address and phone number of the owner of the land;
 8. Identify in writing to the Biosolids Coordinator the person who will supervise the application on behalf of the owner of the land.
 9. At least 28 days prior to the land application, the owner of the land, or someone on the owner's behalf, post a sign, not smaller than 48 inches in width and 36 inches in height, with black letters at least 3 inches high and a white background, on or near the site of the application, visible to the public from the nearest public access which shall set forth the name of the owner of the land; the name of the person managing or in charge of the land, if not the owner; the fact that Biosolids will be applied to the land in that area; the date of the anticipated application; the name of the applicator and the name, address and telephone number of a contact person for the applicator, and the name and telephone number of the County's Biosolids Coordinator and certify the same to the Biosolids Coordinator. Such sign shall remain posted until the application is complete.
 10. Deliver to the Biosolids Coordinator at least thirty days prior to the anticipated date of land application:
 - a. A copy of all the permits, issued by the State of Virginia, allowing the land application;
 - b. A copy of all information required to be submitted to the State of Virginia pursuant to 12 V AC 5-585-630, including the Nutrient Management Plan, if the State requires the same
 11. Allow the County to take samples of the Biosolids before application.
 12. Allow the County to take soil and water samples before and after the land application.
 13. Allow the County to inspect the site at reasonable times before, during and after the application.
 14. The applicator and the owner or the person in charge of the land, if not the owner, shall certify in writing, under oath, at the end of the application, that the application was performed in accordance with the Operational Plan, including the Nutrient Management Plan if there is one, the permit allowing the application and all applicable local, state, and federal laws, rules, regulations and ordinances.
- C. Any individual, group of individuals acting individually or as a group, or any public or private institution, corporation, company, partnership, firm or association holding a permit issued by authority of the Commonwealth of Virginia who intends to apply or have applied to land any Biosolids, sewage, sewage sludge or sludge to any lands in the County of Buckingham should, wherever possible avoid or delay the application of Biosolids to land in Buckingham County, Virginia if such application conflicts with known outside community or social events, such as, by way of example and not limitation, homecoming events, outdoor weddings or receptions. The Biosolids Coordinator should serve as liaison in these matters.

- D. Any individual, group of individuals acting individually or as a group, or any public or private institution, corporation, company, partnership, firm or association holding a permit issued by authority of the Commonwealth of Virginia who intends to apply or have applied to land any Biosolids, sewage, sewage sludge or sludge to any lands in the County of Buckingham shall not store the Biosolids on land in Buckingham County, Virginia for future application but shall land apply the Biosolids as they are received on the date provided the County for application except as allowed by the regulations of the Virginia Department of Health.
- E. Biosolids shall not be applied to land in Buckingham County, Virginia other than the times thirty minutes before sunrise to thirty minutes after sunset.
- F. Biosolids shall be applied only in areas of Buckingham County, Virginia which are zoned A-I (Agricultural); A-C (Agricultural Comprehensive) or RAC (Recreational Access) by the Buckingham County Zoning Ordinance and I accordance with the other provisions of this ordinance.
- G. Biosolids shall not be applied:
1. Within 1,000 feet of VC-1 (Village Center) or R-1 (Residential) Districts as designated by the Buckingham County Zoning Ordinance.
 2. Within 200 feet of B-1 (business) or M-1 (light industrial) district as designated by the Buckingham County Zoning Ordinance.

ARTICLE FOUR
INSURANCE
and
BOND

Any applicator shall, prior to any application of Biosolids, sewage, sewage sludge, or sludge to lands in Buckingham County, Virginia, provide the Biosolids Coordinator with a certificate of insurance for any liability insurance coverage that the applicator has and if none, the applicator shall so affirmatively state in writing to the Biosolids Coordinator.

Further the applicator shall, prior to any application of Biosolids, sewage, sewage sludge, or sludge to lands in Buckingham County, Virginia, provide the Biosolids Coordinator with a copy of any insurance bond that covers the applicator in regard to Biosolids and if none, the applicator shall so affirmatively state in writing to the Biosolids Coordinator.

ARTICLE FIVE
VIOLA TION

Any violation of this Ordinance shall be a class one misdemeanor as defined in the Code of Virginia, as amended from time to time. Each violation shall constitute a separate offense.

ARTICLE SIX
FEES

The County may assess such fees as are allowed by State law.

ARTICLE SEVEN
SEVERABILITY

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

ARTICLE EIGHT
EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption by the Buckingham County Board of Supervisors and shall repeal the previous Sewer Sludge Land Application Ordinance for Buckingham County which was adopted on an emergency basis as provided in Section 15.2- of the 1950 Code of Virginia, as amended. Compliance with the repealed ordinance to date shall be deemed compliance with this ordinance.

REBECCA S. CARTER County Administrator
E. M. WRIGHT, JR. County Attorney
MONROE SNODDY CHAIRMAN District 1
JOE N. CHAMBERS, JR. VICE CHAIRMAN District 6
EDWARD J. LeSUEUR District 2
SAM T. GOIN District 3
JOHN D. KITCHEN, JR. District 4
BRIAN D. BATES District 5
JESSIE M. WOODSON-JOHNSON District 7

Date: February 11, 2002

To: Members, Buckingham County Board of Supervisors

From: Rebecca S. Carter, County Administrator

Re: Results of Study of Bio-Solids Ordinance by Planning Commission

The Planning Commission pursuant to your direction studied the Bio-solids Ordinance and provides the following suggestions:

Add two new sections to Article Three

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G. Biosolids shall not be applied:

1. Within 1,000 feet of VC-1 (Village Center) or R-1 (Residential) Districts as designated by the Buckingham County Zoning Ordinance.
2. Within 200 feet of B-1 (business) or M-1 (light industrial) district as designated by the Buckingham County Zoning Ordinance.

It was the consensus to wait until the final actions of the General Assembly and Senate are known before making recommendations to the Board of Supervisors. However the Planning Commission did not want the Board to sense they have not adhered to your directive.

Attachment H4