

CAMPBELL COUNTY CODE OF 1988

CHAPTER 13

HEALTH AND SANITATION

For state law as to County Health Department, see VA. CODE ANN. §32.1-30 et seq. (Repl. Vol. 2018). As to health generally, VA. CODE ANN. Title 32.1 (Repl. Vol. 2018 and Cum. Supp. 2020). As to general power of County to promote health, safety and general welfare of its citizens, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018) and VA. CODE ANN. §32.1-34 (Repl. Vol. 2018).

As to regulations of animals and fowl generally, see Ch. 4 of this Code. As to buildings generally, see Ch. 5. As to permits for establishment of cemeteries, see §6-1. As to erosion and sedimentation control, see Ch. 8. As to garbage, refuse and weeds generally, see Ch. 12. As to utilities, including sewers and sewage disposal generally, see Ch. 18 of this Code.

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Article I. In General

Sec. 13-1. Authority to declare water emergencies.

During the continued existence of climatic, hydrological and other extraordinary conditions, the protection of the health, safety and welfare of the residents of the county may require that certain uses of water, not essential to public health, safety and welfare, be reduced, restricted or curtailed. As the shortage of raw or potable water becomes increasingly more critical, conservation measures to reduce consumption or curtail nonessential water use may be necessary. The definitions, water emergency criteria, and water use restrictions referenced in this ordinance are presented in greater detail in the Campbell County Utilities and Service Authority (Authority) Drought and Emergency Management Plan, which is incorporated herein by reference.

The County Administrator is authorized to declare a water emergency in the county restricting the use of water in any area of the county. The County Administrator will work closely with the Campbell County Utilities and Service Authority to designate the appropriate stage of water emergency. All water stages are built upon and require compliance with previous water stages. For example when stage 2 is declared all provisions of stage 1 are in effect. Also, the County Administrator may declare any of the four stages; they do not have to be declared sequentially.

For state law authority, see VA. CODE ANN. §15.2-923 (Repl. Vol. 2018) and 15.2-924 (Repl. Vol. 2018).

[THE AUGUST 2, 2011 ACT adopted this section.]

Sec. 13-2. Publication of declaration.

Upon the declaration of a water emergency, the County Administrator shall immediately post a written notice of the emergency at the front door of the county administration building and shall place a notice in a newspaper of general circulation in the area in which such emergency has been declared.

For state law authority, see VA. CODE ANN. §15.2-923 (Repl. Vol. 2018) and 15.2-924 (Repl. Vol. 2018).

[THE AUGUST 2, 2011 ACT adopted this section.]

Sec. 13-3. Water use considerations.

Upon the declaration of a water shortage or emergency, the County Administrator is authorized and directed to implement conservation measures by ordering the restricted use or absolute curtailment of the use of water for certain nonessential purposes for the duration of the water shortage or emergency in the manner hereinafter set forth. In exercising this discretionary authority, and making the determinations set forth herein, the County Administrator shall give due

consideration to water levels, available/usable storage on hand, draw down rates and the projected supply capability in the county; system purification and pumping capacity; daily water consumption and consumption projections of the system's customers; prevailing and forecast weather conditions; fire service requirements; pipeline conditions including breakages, stoppages and leaks; supplementary source data; estimates of minimum essential supplies to preserve public health and safety and such other data which is pertinent to the past, current and projected water demands.

For state law authority, see VA. CODE ANN. §15.2-923 (Repl. Vol. 2018) and 15.2-924 (Repl. Vol. 2018).

[THE AUGUST 2, 2011 ACT adopted this section.]

Sec. 13-4. Limitation of restrictions.

The provisions of this article shall not apply to any governmental activity, or private institution, business or industry which shall be declared by the County Administrator, upon a proper showing, to be necessary for the public health, safety and welfare or the prevention of severe economic hardship or the substantial loss of employment. Any activity, institution, business or industry aggrieved by the finding of the County Administrator may appeal that decision to the County Board of Supervisors.

For state law authority, see VA. CODE ANN. §15.2-923 (Repl. Vol. 2018) and 15.2-924 (Repl. Vol. 2018).

[THE AUGUST 2, 2011 ACT adopted this section.]

Sec. 13-5. Water conservation measures.

Upon a determination by the County Administrator of the existence of the following conditions, the County Administrator shall take the following actions that shall apply to any person whose water supply is furnished from the public water system:

(a) Stage 1: When dry conditions exist and long-range forecasts are for continued dry conditions, the County Administrator shall, through appropriate means, call upon the general population to be aware of prolonged dry weather conditions and to use water wisely.

(b) Stage 2: When limited supplies of water are available, the County Administrator shall, through appropriate means, call upon the general population to employ prudent restraint in water usage, and to conserve water voluntarily by whatever methods available.

(c) Stage 3: During a severe shortage or drought, the County Administrator shall order curtailment of less essential usages of water, including, but not limited to, one or more of the following:

Restricted:

1. watering of lawns, flower and/or vegetable gardens, trees, shrubs, etc., are restricted to assigned days of the week and only from 5:00 AM to 10:00 AM: addresses ending in an even number may water on Wednesday, Friday, or Sunday, and addresses ending in an odd number may water on Tuesday, Thursday, or Saturday;
2. watering of all ball/athletic fields restricted to sprinkling/irrigation to the hours of 12:01 AM to 5:00 AM; and
3. normal scheduled fire hydrant testing is restricted to 50% of the schedule.

Prohibited:

1. washing sidewalks, driveways, parking areas, tennis courts, patios, or any other hard surfaces by commercial, industrial or residential customers except for sanitary or safety purposes;
2. filling or re-filling of swimming pools;
3. non-commercial washing of privately owned vehicles, trailers or boats;
4. use of water for dust control or construction compaction; and
5. fire fighting training.

(c) Stage 4: During an extreme shortage or drought, the County Administrator shall order the following restrictions are amended from Stage 3:

Restricted:

1. commercial nurseries and vegetable gardens will be restricted to absolute minimum usage to keep plants alive;
2. water served for drinking purposes at restaurants or other public or non-public eating establishments is restricted to be served only as requested by the patron or customer.

Strictly Prohibited:

1. residential watering of trees, shrubs, lawns, or flower gardens;
2. watering of ball fields
3. all non state-mandated line flushing by utilities and fire departments.

For state law authority, see VA. CODE ANN. §15.2-923 (Repl. Vol. 2018) and 15.2-924 (Repl. Vol. 2018).

[THE AUGUST 2, 2011 ACT adopted this section.]

Sec. 13-5.1. Penalty and enforcement.

(a) Any person who violates any provision of this article shall be subject to the following civil penalties:

(1) For the first offense, violators shall receive a written warning delivered in person or posted by a representative of the County or Authority.

(2) For the second offense, violators shall be fined one hundred dollars (\$100.00), the fine to be imposed on the violator's next water bill, or in the case of violators not on the public water system, in a written notice.

(3) For the third offense, service shall be terminated, and if, in the opinion of the County Administrator, connection to the system is re-instated, a reconnect fee of \$500 will apply. If no one is able to be contacted in person, the notice of violation will be in form of door hangers, and/or by phone if time constraints allow.

(b) Persons who have been assessed a penalty shall have the right to challenge the assessment by providing a written notice to the director of utilities within ten (10) days of the date of the assessment of the penalty. The director or his designee shall determine that the penalty was properly assessed and notify the complaining person in writing of his determination. Should the director or his designee determine that the penalty was properly assessed, the person may appeal that determination by providing written notice to the public works director within ten (10) days of receiving the notice determination. The public works director or his designee shall determine whether the penalty was properly assessed and notify the complaining person in writing of his determination.

(c) The director of utilities or his designee may waive the penalty if he determines that the violation occurred due to no fault of the person.

For state law authority, see VA. CODE ANN. §15.2-924 (Repl. Vol. 2018).

[THE AUGUST 2, 2011 ACT adopted this section.]

Sec. 13-5.2. Notification of end of water emergency.

The County Administrator, following discussions with the Authority, shall notify the County Board of Supervisors when, in his opinion, the water emergency situation no longer exists and the water emergency shall be declared to have ended. When this declaration is made, the information shall be conveyed to the general public through the news media.

For state law authority, see VA. CODE ANN. §15.2-923 (Repl. Vol. 2018) and 15.2-924 (Repl. Vol. 2018).

[THE AUGUST 2, 2011 ACT adopted this section.]

Article II. Livestock Markets, Commercial Stockyards and Commercial Slaughterhouses.

Sec. 13-6. Definitions.

The following words, whenever used in this article, shall have the meanings respectively set forth unless a different meaning is clearly required by the context:

Building. Any structure for the support, shelter, or enclosure of persons, animals, chattels or other property of any kind.

Livestock markets, commercial stockyards or commercial slaughterhouses (excluding custom slaughtering and custom meat cutting. Any building, premises or property used for the public sale, transfer or slaughter of cattle, horses, swine or poultry.

Premises. A tract of real property with or without a building or buildings thereon and shall include its grounds and other appurtenances.

Property. Both real property and personal property. (9-2-75, §2.)

Sec. 13-7. Location.

No person shall cause to be owned, leased or occupied any premises, building or property for a livestock market, commercial stockyard or commercial slaughterhouse within six hundred feet of any school, church, occupied residence, lake, stream, creek, brook, well or spring used as sources of potable water, except such building or wells that might be on the premises of the property to be occupied as a livestock market, commercial stockyard or commercial slaughterhouse. (9-2-75, §3.) (9-8-87)

For state law authority for this section, see VA. CODE ANN. §3.2-6544A. (Repl. Vol. 2016).

[THE 1987 AMENDMENT substituted "or" for "and" preceding "commercial slaughterhouse within" and substituted "any school, church, occupied residence, lake, stream, well or spring" for "schools, churches, occupied residences, lakes, streams, wells or springs."]

[THE FEBRUARY 2, 1998 AMENDMENT inserted "creek, brook," preceding "well."]

Sec. 13-8. Site approval.

(a) Persons desiring to construct or operate a livestock market, commercial stockyard or commercial slaughterhouse shall make application to the County Planning Commission setting forth the proposed plans, including water and sewerage plans, parking and road plans and other pertinent information.

(b) The Planning Commission shall in its deliberations call in and consult with the proper health department, highway and transportation department, water control and air pollution control boards, building official and other concerned officials, offices and agencies as it may deem necessary. The Planning Commission shall also advertise and conduct a public hearing on the application.

(c) The Planning Commission shall review and make comment and recommendation to the Board of Supervisors relative to approval or disapproval, including, if deemed desirable, conditions for approval of the proposed facility.

(d) The Board of Supervisors shall consider health, safety and general welfare factors as well as all other applicable provisions of this Code, in its final determination on the application. (9-2-75, §4.) (9-8-87)

For state law authority, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018) and VA. CODE ANN. §3.2-6544A. (Repl. Vol. 2016).

[THE 1987 AMENDMENT inserted "as well as all other applicable provisions of this Code" in subsection (d).]

Sec. 13-8.1. Same--Building permit.

A building permit shall be issued for the construction of facilities for a livestock market, commercial stockyard or commercial slaughterhouse only after approval of the proposed site and location by the Board of Supervisors and upon compliance with other applicable provisions of this Code, including but not limited to the County zoning ordinance. (9-8-87)

For state law authority, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018) and VA. CODE ANN. §3.2-6544A. (Repl. Vol. 2016).

[THE 1987 ACT adopted this section, incorporating provisions of former §13-10.]

Sec. 13-9. Operation and maintenance.

No person owning, leasing, occupying or having charge of any premises shall operate or maintain on it a livestock market, commercial stockyard or commercial slaughterhouse so as to cause a nuisance. Any such livestock market, commercial stockyard or commercial slaughterhouse shall be operated and maintained according to all regulations of the Virginia Department of Agriculture, Virginia Department of Health, Campbell County Department of Health, and Campbell County Utilities and Service Authority. (9-2-75, §5.)(11-15-82)

For state law basis, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018) and VA. CODE ANN. §3.2-6544A. (Repl. Vol. 2016).

Sec. 13-10. Penalty for violation.

If any person shall violate any provision of this article, he shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by confinement in jail for not more than twelve months and a fine of not more than \$2,500.00, either or both. (9-8-87)

For state law authority, see VA. CODE ANN. §15.2-1429 (Repl. Vol. 2018), and VA. CODE ANN. §3.2-6544 (Repl. Vol. 2016). See also VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

[THE 1987 AMENDMENT rewrote this section.]

[THE 1991 AMENDMENT substituted "\$2,500.00" for "\$1,000.00."]

Secs. 13-11 to 13-13. Reserved.

Article III. Biosolids.

Sec. 13-14. Short title.

This ordinance shall be known and may be cited as the “Campbell County Biosolids Ordinance.”

[THE APRIL 17, 2007 ACT, effective April 22, 2007, adopted this section.]

[THE DECEMBER 1, 2008 AMENDMENT substituted “Biosolids” for “Sewage Sludge”.]

Sec. 13-15. Findings.

(a) The Board of Supervisors finds that improper spreading, placement, disposal or management of biosolids poses an unknown threat and may result in adverse effects to the general health safety and welfare of the residents of the County and to agricultural lands, water supplies, wildlife, livestock, natural resources and the environment.

(b) In order to protect the health, safety, and welfare of the residents of Campbell County, the soil, groundwater, and surface water, the environment and its flora and fauna, and the practice of sustainable agriculture, it is necessary to test biosolids to be applied by persons within the County to determine if the level of pollutants, pathogens, or vector attractants exceed the levels allowed under applicable State and Federal laws and regulations, which are necessary to protect the health, safety, and welfare of County residents.

[THE APRIL 17, 2007 ACT, effective April 22, 2007, adopted this section.]

[THE DECEMBER 1, 2008 AMENDMENT deleted references to “sewage sludge” throughout and deleted the hyphen in “biosolids” throughout.]

Sec. 13-16. Purpose and intent.

This ordinance is intended to ensure laws and regulations governing the land application of biosolids are properly implemented and enforced, and to secure and promote the health, safety and

welfare of the County’s citizens; to deter the creation of a public nuisance and to prevent pollution of the waters and soils of the County related to land application of biosolids. In carrying out this ordinance the County will test and monitor the application of biosolids by persons to agricultural land within its boundaries as authorized by the Code of Virginia and other applicable regulations. This ordinance is intended to address the land application of biosolids in the County and to implement the authority granted to local governments by VA. CODE ANN. §62.1-44.19:3 (Repl. Vol. 2019); and to ensure compliance with applicable laws and regulations. This ordinance is not intended to regulate the land application of animal wastes or manures. The land application of untreated sewage sludge is illegal and not regulated by this ordinance.

For state law authority, see VA. CODE ANN. §62.1-44.19:3 I (Repl. Vol. 2019).

[THE APRIL 17, 2007 ACT, effective April 22, 2007, adopted this section.]

[THE DECEMBER 1, 2008 AMENDMENT deleted references to “sewage sludge” or “treated sewage sludge” throughout and deleted the hyphen in “biosolids” throughout.]

Sec. 13-17. Authority and severability.

(a) This ordinance is adopted pursuant to the authority granted by the Code of Virginia, including but not limited to VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018), §15.2-2200 et seq. (Repl. Vol. 2018 and Cum. Supp. 2020), §15.2-2283 et seq. (Repl. Vol. 2018 and Cum. Supp. 2020) and §62.1-44.19:3 (Repl. Vol. 2019).

(b) In the event any portion of this ordinance is declared void for any reason, such decision shall not affect the remaining portions of the ordinance, which shall remain in full force and effect, and for this purpose the provisions of this ordinance are hereby declared to be severable. If any court of competent jurisdiction decides that any section, clause, sentence, part, or provision of this ordinance is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of the ordinance. The Board of Supervisors of Campbell County hereby declares that in the event of such a decision it would have enacted this ordinance even without the section, clause, sentence, part, or provision that the court decides is illegal, invalid, or unconstitutional.

For state law authority, see VA. CODE ANN. §62.1-44.19:3 I (Repl. Vol. 2019).

[THE APRIL 17, 2007 ACT, effective April 22, 2007, adopted this section.]

Sec. 13-18. Interpretation.

Anyone interpreting, implementing, or applying this ordinance shall give priority to the findings and purposes stated in the resolution of adoption and the preceding sections over such considerations as economy, efficiency, and scheduling factors.

Editor’s note: The resolution of the Board of Supervisors of Campbell County adopting this ordinance on April 17, 2007 stated that “The Board of Supervisors determines that it is in the best

interest of the public safety, health and welfare and within its responsibility and authority to adopt the following Campbell County Biosolids Ordinance.”

[THE APRIL 17, 2007 ACT, effective April 22, 2007, adopted this section.]

Sec. 13-19. Definitions.

The following terms shall have the meanings defined in this section wherever they are used in this ordinance.

Applicator means any person who applies biosolids pursuant to appropriate permits.

Beneficial Use is the land application of biosolids to cropland or pasture land to obtain agronomic benefits as a plant nutrient source and soil conditioner, the application of biosolids to commercial timber and fiber production land, and for the reclamation of disturbed land where any use of biosolids does not harm or threaten public health, safety, welfare, or the environment.

Biosolids mean 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, Federal and local law and regulations.

Biosolids Monitor means an employee or agent of the County, full-time or part-time, charged with the responsibility of ensuring that the land application of biosolids is conducted in accordance with this ordinance and applicable laws and regulations.

County is Campbell County, Virginia, its Board of Supervisors, or its representatives or agents.

Laboratory or Qualified Laboratory is a facility that tests biosolids samples for pollutants, pathogens, and vector attractants in compliance with Virginia regulations, including, without limitation, those regulations that dictate approved methodologies for conducting such tests.

Land Application or Land Apply means the spreading, placement or distribution of biosolids upon or insertion into the land.

Ordinance means The Campbell County Biosolids Ordinance, as set forth in this Article of Chapter 13 of the Campbell County Code of 1988.

Nutrient Management Plan means a plan prepared by a person certified by the Commonwealth as a nutrient management planner and otherwise meeting the requirements set forth by state law and regulation.

Owner is a person who holds legal title, equitable title, a leasehold interest or the right of possession or control over land.

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, and who is responsible for complying with all Federal, State and local laws and regulations concerning the land application of biosolids.

Person means any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision, or any other legal or commercial entity and any successor, representative, agent, agency, or instrumentality thereof.

Sewage Sludge or 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.

For state law authority, see VA. CODE ANN. §1-230 (Repl. Vol. 2017) (for definition of “person”).

[THE APRIL 17, 2007 ACT, effective April 22, 2007, adopted this section.]

[THE DECEMBER 1, 2008 AMENDMENT deleted references to “sewage sludge” or “treated sewage sludge” throughout; deleted the hyphen in “biosolids” throughout; rewrote the definitions of “Beneficial Use”, “Land Application or Land Apply”, “Permittee”, “Person”, and “Sewage Sludge or Sludge”; and deleted the definitions of “Land Applicant or Sewage Sludge Applicant”, “Sewage Sludge Applicant”, and “Substantially Owned or Controlled” as superfluous.]

Sec. 13-20. Reserved.

Sec. 13-21. Prohibited practices.

(a) No person shall dispose of biosolids on land located in the County except in accordance with Federal and State law and regulations, and this ordinance.

(b) No person shall land apply biosolids on lands in the County until all of the procedural requirements set forth in this ordinance as well as those set forth in applicable Federal and State laws and regulations have been satisfied. No owner shall permit land application of biosolids on land in the County until all of the procedural requirements set forth in this ordinance and those set forth in State and Federal law and regulation have been satisfied.

(c) No person shall apply and no owner shall permit the application of sewage sludge other than biosolids that have been approved pursuant to the regulations of the Virginia Department of Health or Department of Environmental Quality to land in this County. No owner shall permit the application of sewage sludge other than biosolids that have been approved pursuant to regulations of the Virginia Department of Health or the Department of Environmental Quality to land in the County.

(d) No person shall apply biosolids to land in the 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 all applicable provisions of this ordinance.

(e) It shall be unlawful for any person to land apply biosolids in Campbell County without first complying with all pre-land application requirements of this ordinance.

(f) Application of biosolids to land must comply with the County's noise ordinance found in Chapter 16 of the County Code.

(g) The permit application shall not be complete unless it includes the landowner's written consent to apply sewage sludge on his property.

For state law authority, see VA. CODE ANN. §62.1-44.19:3 (Repl. Vol. 2019).

[THE APRIL 17, 2007 ACT, effective April 22, 2007, adopted this section.]

[THE DECEMBER 1, 2008 AMENDMENT deleted references to "sewage sludge" or "treated sewage sludge" throughout; deleted the hyphen in "biosolids" throughout, substituted "pursuant to" for "by" twice in (c), and substituted "all applicable" for "the" in the last clause of (d).]

[THE DECEMBER 6, 2010 AMENDMENT added subsections (f) and (g).]

Sec. 13-22. Notice and requirements for land application of biosolids.

Before biosolids are land applied in Campbell County by a person, the biosolids permittee must do the following:

(a) Provide current legible field maps identifying the proposed land application of biosolids to the Campbell County Community Development Department. Application is authorized only in agricultural zoning districts.

(b) Any person proposing or intending to land apply biosolids to lands in this County shall notify the County in writing as required by State law or regulation.

(c) The land application notice provided to the County shall include the following information:

1. The name, address and telephone number of the permittee or applicator, including the name and all contact telephone numbers of a representative knowledgeable of the permit; the name or title, and telephone number of at least one individual designated by the permit holder to respond to questions or complaints related to the land application project, and a copy of the current state permit and any other State or Federal permits authorizing the land application;

2. The tax map numbers and farm service agency (FSA) farm tract number 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 name, telephone number and address of the hauler of the biosolids;
5. The estimated date range on which land application will occur and the duration of the planned application;
6. The name and telephone number of the person or persons at the Virginia Department of Health to be contacted in connection with the permit;
7. A copy of the nutrient management plan (NMP) as required by State law and regulation;
8. The name, address, and telephone number of the wastewater treatment facility, or facilities, from which the biosolids will originate, including the name or title of a representative of the treatment facility that is knowledgeable about the land application operation;
9. Information on proposed haul routes and alternative haul routes on a County map.
10. Any change to information required in subsections (c)(1) through (9) above must be provided to the County as soon as the applicant becomes aware of the change.

(d) The County shall review the documentation provided with the notice and shall notify the applicant in writing of any deficiencies in the submittal within 10 business days of receipt.

(e) The property where the biosolids are to be land applied shall be posted as provided in the Virginia Code and the regulations promulgated thereunder.

For state law authority, see VA. CODE ANN. §62.1-44.19:3 (Repl. Vol. 2019).

[THE APRIL 17, 2007 ACT, effective April 22, 2007, adopted this section.]

[THE DECEMBER 1, 2008 AMENDMENT changed the title of the section from “Application requirements; notice” to “Notice and requirements for land application of biosolids”, deleted references to “sewage sludge” or “treated sewage sludge” throughout; deleted the hyphen in “biosolids” throughout, inserted “to the Campbell County Community Development Department” at the end of the first sentence in (a), inserted “including the name and all contact telephone numbers of a representative knowledgeable of the permit; the name or title, and telephone number of at least one individual designated by the permit holder to respond to questions or complaints related to the land

application project, and a copy of the current state permit and any other State or Federal permits authorizing the land application” in (c)(1), inserted “and farm service agency (FSA) farm tract number” in (c)(2), substitute “The name and telephone number of the person or persons at the Virginia Department of Health to be contacted in connection with the permit” for “A copy of the current state permit and any other State or Federal permits authorizing the land application” in (c)(6), added (c)(8) and renumbered (c)(9), and added (e).]

[THE DECEMBER 6, 2010 AMENDMENT added the word “current” to subsection (a) and added subsection (c)(10).]

Sec. 13-23. Certification, testing and sampling.

(a) The permittee shall provide Campbell County with written proof of the Class of biosolids to be land applied. If the biosolids are Class A, provide Campbell County with written proof and data asserting that the biosolids qualify as Class A. If the biosolids are Class B, provide Campbell County with written proof and data asserting that the biosolids qualify as Class B. For all Classes of biosolids, provide Campbell County with written proof under which the biosolids purportedly satisfy vector attraction requirements. The purpose of this section is to confirm the Class of biosolids to be applied and to identify the testing that Campbell County must conduct on the biosolids and the requisite testing and collection fees under this section.

(b) The permittee and owner shall allow Campbell County to take samples at the land application site before, during, and after the application. Any test samples shall be analyzed at a lab qualified to conduct such analysis and the County Health Department may review these test results to determine compliance with all applicable laws and regulations. If the testing reveals that the biosolids contain levels of pollutants, pathogens, and vector attractants that violate Commonwealth of Virginia regulations, or any other County, State and Federal laws, as amended, the County will notify the permitting state agency as well as the permittee.

(c) Fees for testing and monitoring samples are collected from the permittee by the Commonwealth of Virginia pursuant to the Code of Virginia and the regulations promulgated thereunder, and shall be used to reimburse Campbell County for costs incurred for testing and monitoring under this ordinance.

(d) At the request of the permittee, Campbell County will provide a split sample. At the request of Campbell County, the applicator or permittee shall provide the most recent analysis results for biosolids that are land applied at any site in the County.

For state law authority, see VA. CODE ANN. §62.1-44.19:3, especially subsections C. and H. (Repl. Vol. 2019), and §62.1-44.19:3.2 (Repl. Vol. 2019).

[THE APRIL 17, 2007 ACT, effective April 22, 2007, adopted this section.]

[THE DECEMBER 1, 2008 AMENDMENT deleted references to “sewage sludge” or “treated sewage sludge” throughout; deleted the hyphen in “biosolids” throughout, rewrote (b), (c) and (d).]

Sec. 13-24. Land application.

(a) By agreeing to accept biosolids for land application, the owner of the property on which land application takes place agrees to allow the County 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 County shall make diligent efforts to make contact with the property owner prior to entering the property.

(b) The permittee and owner shall allow the county to take samples at the application site before, during and after the application. Any test samples shall be analyzed at a lab qualified to conduct such analysis.

(c) At the request of the County the applicator or permittee shall provide the most recent analysis results for biosolids that are land applied at any site in the County that the applicator or permittee may have.

For state law authority, see VA. CODE ANN. §62.1-44.19:3 et seq. (Repl. Vol. 2019).

[THE APRIL 17, 2007 ACT, effective April 22, 2007, adopted this section.]

[THE DECEMBER 1, 2008 AMENDMENT deleted references to “sewage sludge” or “treated sewage sludge” throughout and deleted the hyphen in “biosolids” throughout.]

Sec. 13-25. Security.

The owner and/or permittee shall restrict access to the land receiving biosolids for a period of time not less than the period of restriction for domestic and farm animals. Restrictions shall include signage and may also include fencing or electronic monitoring of sites used for application in accordance with the provisions of the Virginia Code and the regulations promulgated thereunder.

For general state law authority, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018).

[THE APRIL 17, 2007 ACT, effective April 22, 2007, adopted this section.]

[THE DECEMBER 1, 2008 AMENDMENT deleted references to “sewage sludge” or “treated sewage sludge” throughout; deleted the hyphen in “biosolids” throughout, inserted “and/or permittee” in the first sentence, substituted “restrict access to” for “provide adequate evidence and certify that” in the first sentence, and deleted “is secured from entry by unknowing individuals” from the first sentence, substituted “Restrictions” for “Adequate evidence” at the beginning of the second sentence, and added a clause beginning “in accordance with” at the end of the second sentence.]

[THE DECEMBER 6, 2010 AMENDMENT rewrote the second sentence to require signage.]

Sec. 13-26. Complaint response.

The County shall notify the appropriate State agency, the applicator or permittee and the owner of all complaints concerning the land application of biosolids. Prior to application, the applicator or permittee, the owner of the land, and the wastewater treatment facility or facilities from which the biosolids originated shall provide contact telephone numbers to the County Department of Community Development, in accordance with state regulations.

The County shall notify the permittee of any failure to follow the requirements of the permit resulting in the improper application of material 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 to undertake appropriate corrective action for improperly applied material, or to clean up biosolids spilled onto public streets, roadways or other areas not permitted, immediately upon receiving such notification, in accordance with state regulations.

The permittee is responsible for prevention of the drag-out or track-out of biosolids, dirt and debris from land application sites onto public roads. Should drag-out, track-out or spillage occur onto public roads, the permittee shall ensure that such material is promptly removed from public roads and highways, and no later than the end of each day, in accordance with state regulations.

For state law authority, see VA. CODE ANN. §62.1-44.19:3 et seq. (Repl. Vol. 2019) and §62.1-44.19:3.2 (Repl. Vol. 2019).

[THE APRIL 17, 2007 ACT, effective April 22, 2007, adopted this section.]

[THE DECEMBER 1, 2008 AMENDMENT deleted references to “sewage sludge” or “treated sewage sludge” throughout; deleted the hyphen in “biosolids” throughout, added the second sentence to the first paragraph, added “in accordance with state regulations” to the end of the third paragraph, generally revised the fourth paragraph for clarity and added the last clause to the fourth paragraph.]

Sec. 13-27. Scheduling.

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

For general state authority, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018).

[THE APRIL 17, 2007 ACT, effective April 22, 2007, adopted this section.]

Sec. 13-28. Storage; compliance with applicable laws and regulations; certification of compliance with local ordinances required; special use permit required in A-1 zone; exception; storage prohibited in all other zones.

(a) The permittee shall store the biosolids pursuant to all applicable County, Federal, and State statutes, ordinances, and regulations. No person shall apply to the State Health Commissioner or the Department of Environmental Quality for a permit, variance, or a permit modification authorizing such storage without first complying with all requirements adopted pursuant to VA. CODE ANN. §62.1-44.19:3 et seq., and such other applicable County, Federal, and State statutes, ordinances, and regulations as may be adopted from time to time. In particular, beginning July 1, 2007, no application for a permit or variance to authorize the storage of biosolids in the County shall be complete unless it contains a certification from the Board of Supervisors of Campbell County that the site for storage of biosolids is consistent with all applicable local ordinances. The Board of Supervisors shall confirm or deny consistency within thirty (30) days of receiving a request for certification. If the Board of Supervisors does not so respond, the site shall be deemed consistent.

(b) Pursuant to the authority of VA. CODE ANN. §62.1-44.19:3(R) (Repl. Vol. 2019) and pursuant to findings set forth at §13-15 of this Code, the Board of Supervisors of Campbell County shall, as part of Chapter 22 “Zoning” of this Code, designate and reasonably restrict the storage of biosolids in Campbell County.

(1) Notwithstanding any contrary provision of law, the Board of Supervisors of Campbell County shall require that a special use permit be obtained to begin the storage of biosolids. Storage of biosolids may be permitted as a special use with a special use permit in an **Agricultural (A-1) zoning district**, subject to the requirements of VA. CODE ANN. §62.1-44.19:3 et seq., and such other applicable County, Federal, and State statutes, ordinances, and regulations as may be adopted from time to time.

(2) A special use permit shall not be required to begin the storage of biosolids on property in an Agricultural (A-1) zoning district as long as such biosolids are being stored (i) solely for land application on the farm on which the storage facility is located and (ii) for a period no longer than forty-five (45) days.

(c) The requirements of this section and of applicable provisions of Chapter 22 of this Code regarding storage of biosolids shall be in addition to the local testing and monitoring ordinances permitted under subsection I. of VA. CODE ANN. §62.1-44.19:3 as may be adopted by the Board of Supervisors as part of this Chapter from time to time.

(d) Storage of biosolids shall be prohibited in all other zoning districts in Campbell County.

For state law authority, see VA. CODE ANN. §62.1-44.19:3 et seq. (Repl. Vol. 2019), especially §62.1-44.19:3.2 (Repl. Vol. 2019).

Cross reference: For zoning provisions restricting the storage of biosolids in Campbell County, see §22-16 A.50 of this Code. For definition of biosolids, see §13-19 of this Code.

Editor's note: Senate Bill 1300, enacted as Chapter 927 of the 2007 Acts of Assembly and effective on April 4, 2007 pursuant to an emergency clause, authorizes localities to require a special exception or special use permit for the storage of biosolids on any property in its jurisdiction, including any area that is zoned as an agricultural district or classification, with a limited exception for storage on the property on which the biosolids will be applied. In addition, Senate Bill 1313, enacted as Chapter 390 of the 2007 Acts of Assembly and effective July 1, 2007, imposes the requirement that a local governing body certify compliance with local ordinances prior to state agency approval of an application for a permit or variance for storage of biosolids, and provides a limited exception from local special use permit requirements for biosolids stored solely for land application on the farm on which the storage facility is located and for a period of no longer than 45 days. That legislation also authorizes localities, as part of their zoning ordinances, to designate or reasonably restrict storage of biosolids based on criteria directly related to the public health, safety, and welfare of its citizens and the environment.

[THE APRIL 17, 2007 ACT, effective April 22, 2007, adopted this section.]

[THE JULY 2, 2007 AMENDMENT designated the former provisions of this section as (a), and inserted “statutes, ordinances” in the first sentence thereof and added the remaining sentences; and added subsections (b) through (d).]

[THE DECEMBER 1, 2008 AMENDMENT deleted references to “sewage sludge” or “treated sewage sludge” throughout and deleted the hyphen in “biosolids” throughout.]

Sec. 13-29. Financial responsibility

Land application of biosolids is not allowed unless the permittee has in effect liability insurance or other evidence of financial responsibility 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 the County. Such insurance or other form of financial responsibility shall be maintained in full force and effect throughout the time that the applicator is engaged in land application of biosolids in the County. The permittee shall, upon request, provide the County with certificates of insurance or other evidence of financial responsibility prior to permit approval by the State and commencement of land application; and shall promptly notify the County of any proposed cancellation or modification of insurance coverage.

For state law authority, see VA. CODE ANN. §62.1-44.19:3, especially subsection H (Repl. Vol. 2019).

[THE APRIL 17, 2007 ACT, effective April 22, 2007, adopted this section.]

[THE DECEMBER 1, 2008 AMENDMENT deleted references to “sewage sludge” or “treated sewage sludge” throughout; deleted the hyphen in “biosolids” throughout; inserted “upon request” and “or other evidence of financial responsibility” in the last sentence.]

Sec. 13-30. Administration.

This ordinance shall be administered by Campbell County. The County may, but is not required to, administer and enforce, at County expense (except as provided in §13-34 of this ordinance), any and all regulations that it has adopted pursuant to this ordinance.

For state law authority, see VA. CODE ANN. §62.1-44.19:3, especially subsection I. (Repl. Vol. 2019).

[THE APRIL 17, 2007 ACT, effective April 22, 2007, adopted this section.]

Sec. 13-31. Enforcement.

(a) The County shall have the authority to order the abatement of any violation of State law or regulation. The abatement order shall identify the activity constituting the violation; specify the code provision or regulation violated by the activity and order cessation and correction of the violation.

(b) The County may bring suit to enjoin, restrain, correct or prevent any violation of this ordinance.

For state law authority, see VA. CODE ANN. §62.1-44.19:3 et seq. (Repl. Vol. 2019), especially §62.1-44.19:3.2 (Repl. Vol. 2019). See also VA. CODE ANN. §15.2-1429 (Repl. Vol. 2018).

[THE APRIL 17, 2007 ACT, effective April 22, 2007, adopted this section.]

[THE DECEMBER 1, 2008 AMENDMENT deleted former (a), which read “All monies collected for violation of this ordinance shall be paid to the Treasurer of Campbell County” and renumbered the remaining sections.]

Section 13-32. Reserved.

Section 13-33. Effective date and existing permitholders.

This ordinance shall be effective five (5) days after the date of its enactment, at which point the ordinance shall apply to any and all land applications of biosolids in Campbell County regardless of the date of issuance of any applicable State permit.

[THE APRIL 17, 2007 ACT, effective April 22, 2007, adopted this section.]

[THE DECEMBER 1, 2008 AMENDMENT substituted “biosolids” for “sewage sludge”.]

Sec. 13-34. Reimbursement.

The County shall submit requests for reimbursement for the costs and expenses of testing and monitoring of land application and related activities as are allowed by applicable State law, regulations, manuals, guides and procedures.

For state law authority, see VA. CODE ANN. §62.1-44.19:3, especially at subsection G. (Repl. Vol. 2019).

[THE APRIL 17, 2007 ACT, effective April 22, 2007, adopted this section.]

Sec. 13-35. Repealer.

All inconsistent provisions of prior ordinances adopted by Campbell County are hereby repealed, but only to the extent necessary to remedy the inconsistency.

[THE APRIL 17, 2007 ACT, effective April 22, 2007, adopted this section.]