

April 11, 2018

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, April 11, 2018, at 2:00 p.m. at Turner Ashby High School, Bridgewater, Virginia. The following members were present:

PABLO CUEVAS, Election District #1
VACANT, Election District #2
RICKY L. CHANDLER, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

LOWELL R. BARB, Commissioner of the Revenue
L. TODD GARBER, Treasurer – attended afternoon meeting only
BRYAN F. HUTCHESON, Sheriff – attended afternoon meeting only

LISA B. GOODEN, Registrar
CELEST D. WILLIAMS, Director of Social Services – attended afternoon meeting only
STEPHEN G. KING, County Administrator
THOMAS H. MILLER, JR., County Attorney
CASEY B. ARMSTRONG, Director of Community Development
PATRICIA D. DAVIDSON, Director of Finance
KIRBY W. DEAN, Director of Parks & Recreation
ANN MARIE FREEMAN, Director of Court Services
JEREMY C. HOLLOWAY, Fire & Rescue Chief
JENNIFER J. MONGOLD, Director of Human Resources
TERRI M. PERRY, Director of Technology
PHILIP S. RHODES, Director of Public Works
KELLY S. GETZ, Code Compliance Officer
JUSTIN S. MOYERS, Deputy Finance Director
DIANA C. STULTZ, Zoning Administrator
TAMELA S. GRAY, Deputy Clerk
DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation
C. BURGESS LINDSEY, Assistant Residency Administrator
Virginia Department of Transportation

In addition, the following were present for the Budget Hearing:

DR. CHARLETTE E. MCQUILKEN, School Board Member, Election District #4
DR. OSKAR SCHEIKL, School Superintendent
JAMES L. JUNKINS, Emergency Communications Director
CHERYL Y. MAST, Schools Chief Financial Officer

At 2:06 p.m., Supervisor Kyger opened the local government orientation for Turner Ashby High School students. He introduced the Board of Supervisors and asked that staff provide a brief description of their job duties during their staff report.

At 2:09 p.m., Mr. Phil Judd, Turner Ashby High School Principal, welcomed the Board and students.

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CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE.

Chairman Cuevas called the meeting to order at 2:10 p.m.

Supervisor Breeden provided the Invocation and Turner Ashby High School Senior Class President Grant King led the Pledge of Allegiance.

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APPROVAL OF MINUTES.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; the Board approved the minutes of the regular meeting of March 28, 2018.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara’s report on the activities of the Transportation Department, including updates to bridge, pipe re-lining, road and rural rustic projects.

Recent maintenance work includes grading dirt roads, applying calcium chloride, cleaning pipes, and sweeping gravel and grit from bridges and, curb and gutters.

Mr. Komara reminded the Board of the Spring Transportation Conference on May 3, 2018, from 4 to 6 p.m. at the Holiday Inn in Staunton.

Mr. Komara said a controlled burn is scheduled in the George Washington National Forest along Tilghman Road (Route 902).

Since the Turner Ashby High School students were present, Mr. Komara discussed several VDOT projects scheduled in District 4.

Supervisor Breeden noted low-hanging limbs from large oak trees along Berrytown Road (Route 754) need to be cut.

Mr. Komara informed Supervisor Breeden that the speed limit sign is missing on Captain Yancey Road (Route 642) where a citizen was recently killed in an accident. Supervisor Breeden noted there is a 45-mile per hour sign along the road where the accident occurred, but it does not appear to be a VDOT sign. Mr. Komara said Captain Yancey Road is a “No Thru Trucks” route. After VDOT conducted speed studies, the Board and VDOT were able to reduce the speed limit to 45. A study conducted after the speed limit was reduced, indicated vehicles are traveling at the posted speed limit or just slightly above it. Mr. Komara indicated VDOT erected “Narrow Road” signs and could make other improvements. Supervisor Breeden suggested improving the road shoulder. He said Merck asked their employees to travel on South East Side Highway (Route 340) instead of Captain Yancey Road. Supervisor Breeden said if Sheriff Hutcheson could have Deputies travel on Captain Yancey Road, it may encourage motorists to use an alternate route.

Supervisor Kyger and Mr. Komara discussed having the VDOT Superintendent meet with a resident on North River Road (Route 867) regarding widening the road. Mr. Komara said the time to widen the road is when the one-lane bridge on North River Road is widened. Supervisor Kyger stressed the importance of widening North River Road since it will become a detour route with a great deal of truck traffic when Friedens Church Road (Route 682) is closed for improvements to the bridge. Mr. Komara noted that VDOT plans to raise the bridge on Friedens Church Road to go over the railroad tracks and eliminate the dip in the road at the railroad tracks. Mr. Komara stated a VDOT representative will be in contact with the citizen on North River Road before the end of the week.

Supervisor Kyger requested that VDOT apply dust control on the federal portion of Tilghman Road (Route 902), even though it is not state maintained. When Supervisor

Kyger mentioned VDOT and the Forest Service posting speed limit signs along Tilghman Road, Mr. Komara indicated he is working on that. VDOT performed a traffic check on Tilghman Road and Mr. Komara thinks the speed limit can be addressed. Supervisor Kyger said since Tilghman Road is a dirt road, motorists may not be traveling as fast as it appears. He noted that visitors to the area travel along the road to access the national forest.

In response to a question from Supervisor Chandler, Mr. Komara said the box culvert on Slab Road (Route 734) will not have sides on it, but it will be longer to meet runoff standards. He explained that sides on the box culvert would push water around when the area floods, and create problems for houses that are not much higher than the pavement. Mr. Komara stated VDOT will use guardrail or an alternative means to keep vehicles on the road.

Supervisor Chandler reminded Mr. Komara that he requested VDOT consider a speed limit reduction along Port Republic Road (Route 253) near Mill Creek Church of the Brethren, due to the sight distance because of a hill and parking issues at the Barn at Mill Creek. Mr. Komara said he referred the request to VDOT staff, but they have not yet had a chance to review the sight distance.

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INTENT TO AMEND CHAPTER 16A TO BRING COUNTY CODE IN CONFORMITY WITH HARRISONBURG ROCKINGHAM REGIONAL SEWER AUTHORITY OPERATING RULES AND REGULATIONS.

Mr. Miller stated that he and Mr. Rhodes prepared an ordinance to amend Chapter 16A-5 of the County Code to conform to the recently adopted Harrisonburg Rockingham Regional Sewer Authority Operating Rules and Regulations (Effective May 1, 2018). He noted that all localities that participate in the Sewer Authority (HRSSA) are required to adopt regulations in their code that conform with the HRSSA’s technical code regarding parameters of waste in the system and treatment of wastewater.

On motion by Supervisor Kyger, seconded by Supervisor Chandler, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; the Board adopted the following ordinance amendment:

**ORDINANCE REPEALING
AND RE-ENACTING
SECTION 16A-5
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Section 16A-5. “Use of public sewers” be and hereby is repealed and re-enacted as follows:

Section 16A-5 Use of Public Sewers

16A-5.1 - GENERAL PROVISIONS

16A-5.1.1 Purpose and Policy

Rockingham County participates in the Harrisonburg-Rockingham Regional Sewer Authority (the Authority). As a member of the Authority, Rockingham County must comply with the Regulations of the Authority. These sections of ordinance, sometimes referred to as Regulations, set forth uniform requirements for discharge into the

Wastewater collection and treatment system of the Authority. These ordinances are enacted with the intent of being entirely consistent with the Regulations of the Authority. They enable the Authority to implement the applicable State and federal requirements of the federal Clean Water Act, 33 U.S.C. §§ 1251, et seq., the Virginia State Water Control Law, Va. Code §§ 62.1-44.2, et seq. and the General Pretreatment Regulations, 40 CFR Part 403 & 9 VAC 25-31-730, et seq.

The objectives of these Regulations are:

- 1) To prevent the introduction of pollutants into the Authority's Wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- 2) To prevent the introduction of pollutants into the Wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system; and
- 3) To improve the opportunity to recycle and reclaim Wastewaters and sludges from the system.

These Regulations provide for the regulation of discharges to the Wastewater system through the issuance of permits to certain non-domestic Users and through enforcement of general requirements for the other Users, authorize monitoring and enforcement activities, and require User reporting.

These Regulations shall apply to the Authority, system Users therein, and to Users within the City of Harrisonburg, County of Rockingham and Towns of Bridgewater, Dayton and Mt. Crawford. Except as otherwise provided herein, the Executive Director of the Authority shall administer, implement, and enforce the provisions of these Regulations.

16A-5.1.2 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in these Regulations, shall have the following meanings:

- 1) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§ 1251, et seq.
- 2) Authorized Representative of Industrial User. The duly Authorized Representative of an Industrial User who is responsible for the overall operation of the facilities from which the Indirect Discharge originates.
- 3) Authority. Harrisonburg-Rockingham Regional Sewer Authority, a public body politic and corporate, created pursuant to the Virginia Water and Sewer Authorities Act, or its duly Authorized Representative.
- 4) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration [milligrams per liter (mg/L)].
- 5) Building Sewer. A sewer conveying Wastewater from the premises of a User to the System.
- 6) Categorical Pretreatment Standards or Categorical Standards. National Categorical Pretreatment Standards applicable to a specific category of Industrial Users.
- 7) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, and to which the only Pollutant added is heat.
- 8) Direct Discharge. The Discharge of treated or untreated Wastewater directly to the Waters of the State.

- 9) End of Pipe. The location at which any private or Industrial User connects to the public sewer (collection) System.
- 10) Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the EPA Regional Administrator or other duly authorized official of said agency.
- 11) Executive Director. The person designated by the Authority to supervise the operation of the System and who is charged with certain duties and responsibilities by these Regulations, or his duly Authorized Representative.
- 12) Gender. The use of “his” or “her” shall include the other.
- 13) Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of duration.
- 14) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- 15) Human Waste. Water borne human excrement as may be present from residences, buildings, Industrial Users or other places.
- 16) Indirect Discharge or Discharge. The Discharge or the introduction of Pollutants into the System from any non-domestic source.
- 17) Industrial User. A source of Indirect Discharge.
- 18) Interference. The inhibition or disruption of the Authority’s Wastewater conveyances, Treatment processes or operations. The term includes prevention of or Interference with sewage sludge use or disposal by the Authority.
- 19) Local Limits. Concentration based or other limits for designated parameters (see section 16A-5.2.1(13)). Local Limits apply at End of Pipe and are expressed as maximum per day limits, or as otherwise specifically provided.
- 20) Member Jurisdictions. The City of Harrisonburg, the County of Rockingham, and the Towns of Bridgewater, Dayton, and Mt. Crawford which individually collect Wastewater within their respective jurisdictions for Treatment by the Authority.
- 21) National Pretreatment Standard. Any regulation containing Pollutant Discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to Industrial Users.
- 22) New Source.
 - a) Any building, structure, facility or installation from which there is or may be a Discharge of Pollutants, the construction of which commenced after the publication of proposed National Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that: (i) the building, structure, facility or installation is constructed at a site at which no other source is located; or (ii) the building, structure, facility or installation totally replaces the process or production equipment that causes the Discharge of Pollutants at an existing source; or (iii) the production or Wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.
 - b) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of (a)(ii) or (a)(iii) of this section but otherwise alters, replaces or adds to existing process or production equipment.

c) Construction of a New Source as defined under this section has commenced if the owner or operator has (i) begun, or caused to begin as part of a continuous onsite construction program (A) any placement, assembly, or installation of facilities or equipment, or (B) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or (ii) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

23) National Pollutant Discharge Elimination System Permit (NPDES or VPDES). A permit issued pursuant to section 402 of the Act (33 U.S.C. § 1342).

24) North American Industry Classification System (NAICS). The standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. The NAICS industry codes define establishments based on the activities in which they are primarily engaged.

25) Pass Through. A Discharge which exits the System into State Waters in quantities or concentrations which, alone or in conjunction with a Discharge from other sources, are a cause of a violation of any requirement of the Authority's VPDES Permit (including an increase in the magnitude or duration of a violation). An Industrial User significantly contributes to such permit violation where it (i) Discharges a daily Pollutant loading or concentration in excess of that allowed by the Authority or by Federal, State or local law; (ii) discharges Wastewater which substantially differs in nature and constituents from the User's average Discharge; (iii) knows or has reason to know that its Discharge, alone or in conjunction with Discharges from other sources, would result in a permit violation; or (iv) knows or has reason to know that the Authority is, for any reason, violating its final effluent limitations in its permit and that such Industrial User's Discharge either alone or in conjunction with Discharges from other sources, increases the magnitude or duration of the Authority's violations.

26) Person. Any individual, partnership, firm, company, corporation, cooperative, association, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

27) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions.

28) Pollution. The man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

29) Pollutant. Any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

30) Pretreatment or Treatment. The reduction of the amount of Pollutants, the elimination of Pollutants or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such Pollutants into the System.

31) Pretreatment Requirements. Any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.

32) Significant Industrial User. (i) All Industrial Users subject to Categorical Pretreatment Standards; (ii) any Industrial User that discharges an average of 25,000

gallons per day or more of process Wastewater to the Authority (excluding Human Waste, noncontact cooling and boiler blowdown Wastewater); (iii) any Industrial User that contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the Authority Treatment Plant; or (iv) any Industrial User that is designated as such by the Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the Authority's operation or for violating any Pretreatment Standard or Requirement.

33) Slug Loading. Any Discharge of non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge.

34) Soluble BOD (sBOD). The BOD result on a sample that is filtered through a 0.45 µm pore size filter.

35) State. Commonwealth of Virginia.

36) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

37) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

38) System. The Treatment Plant, works and facilities owned by the Authority, including all sewer lines that convey Wastewater to the Treatment Plant, and in addition, such term shall include the sewer lines owned by the Member Jurisdictions.

39) Total Kjeldahl Nitrogen (TKN). Organic nitrogen plus ammonia, as defined by the named analytical procedure.

40) Total Suspended Solids (TSS). The total suspended matter which floats on the surface of, or is suspended in, water, Wastewater or other liquids, and which is removable by laboratory filtering.

41) Toxic Pollutant. Any Pollutant or combination of Pollutants listed as toxic in regulations promulgated by the Administrator of EPA under the provision of section 307(a) of the Act.

42) Treatment Plant. That portion of the System designed to provide Treatment to Wastewater.

43) User. Any Person who causes or permits the contribution of Wastewater into the System.

44) Wastewater. The liquid or water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with all other wastes which may be present, whether treated or untreated, which are contributed into or permitted to enter the System.

45) Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

46) Wastewater Discharge Permit. As set forth in Section 16A-5.3.2 of these Regulations.

16A-5.1.3 Abbreviations

The following abbreviations shall have the designated meanings.

- 1) BOD - Biochemical Oxygen Demand
- 2) CFR - Code of Federal Regulations
- 3) COD - Chemical Oxygen Demand
- 4) L - Liter
- 5) mg - Milligrams
- 6) mg/L - Milligrams per liter
- 7) μm - Micrometer
- 8) RCRA - Resource Conservation and Recovery Act
- 9) SWDA - Solids Waste Disposal Act, 42 U.S.C. 6901, et seq.
- 10) U.S.C. - United States Code
- 11) TSS - Total Suspended Solids
- 12) NPDES/VPDES - National/Virginia Pollutant Discharge Elimination System

16A-5.2 – REGULATIONS

16A-5.2.1 General Discharge Prohibitions

No User shall contribute or cause to be contributed, directly or indirectly, any Pollutant or Wastewater which will cause a Pass Through or an Interference with the operation or performance of the System. This general prohibition applies to all Users of the System whether or not the User is subject to National Pretreatment Standards or any other national, State, or local requirements. A User may not contribute the following substances directly or indirectly to the System:

- 1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion hazard including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR § 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- 2) Unusual concentrations of Total Suspended Solids (such as, but not limited to, Fullers earth, lime slurries and lime residue), or any solid or viscous Pollutants in amounts that will cause obstruction to the flow in the System.
- 3) Any Wastewater having a pH less than 5.5, or Wastewater having any other corrosive property capable of causing damage or creating a hazard to the System or personnel of the Authority or a Member Jurisdiction.
- 4) Any Wastewater containing or which result in the presence of Toxic Pollutants or gases, vapors or fumes in sufficient quantity, either alone or by interaction with other Pollutants, which injures any Wastewater Treatment process, may cause acute worker health or safety problems, creates a toxic effect in the receiving waters of the Authority, or exceeds the limitation set forth in a Categorical Standard. A Toxic Pollutant shall include, but shall not be limited to, any Pollutant identified as such pursuant to section 307(a) of the Act.

- 5) Any noxious or malodorous liquids, gases or solids which either alone or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent personnel of the Authority or Member Jurisdictions from entering into the sewers for maintenance and repair.
- 6) Any substance which may cause the Authority’s effluent or any other product of the Authority such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall any substance discharged to the System cause the Authority to violate any applicable sludge use or disposal criteria, or regulations developed therefore.
- 7) Any substance which will cause the Authority to violate its VPDES Permit or applicable water quality standards of the receiving water.
- 8) Any Wastewater with objectionable color which cannot be removed by the Treatment plant, such as, but not limited to, dye waste and vegetable tanning solutions.
- 9) Any Wastewater having a temperature which will inhibit biological activity in the Treatment Plant resulting in Interference, but in no case Wastewater with a temperature that causes the temperature of the combined Wastewater of all Users at the Treatment Plant to exceed 37° Centigrade (98.6° Fahrenheit).
- 10) Slug Loading(s) prohibited by these Regulations.
- 11) Any Wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Authority.
- 12) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/L or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit.
- 13) Any Wastewater, which at the End of Pipe location, exceeds the following Local Limits for the listed parameters:

Parameter	Maximum Daily Limit (mg/L)
Arsenic	0.51
Cadmium	0.09
Chromium	4.4
Copper	1.7
Cyanide	2.2
Lead	1.21
Mercury	0.002
Nickel	1.5
Selenium	0.41
Silver	2.8
Zinc	5.0

Parameter	Maximum Daily Limit (mg/L)	Monthly Average Limit (mg/L)	Monthly Average Concentration (mg/L)
BOD	500	350	NA
TSS	500	350	NA
TKN	100	NA	70.0
Total Phosphorus	20	NA	14.0
Nitrate + Nitrite	10.0	NA	NA
Oil & Grease	100	NA	NA
pH	(Range in standard units) 5.5 - 9.5	NA	NA

The Executive Director of the Authority may impose mass limitations in place of the concentration-based limits above with respect to any User other than a Significant Industrial User. If any measured values of these parameters are over the limits listed above, the Authority will determine if an Industrial User designation is required.

The sample type for Oil & Grease and pH shall be a Grab Sample. The sample type for all other parameters shall be a 24-hour composite sample (or for the time period Discharges occur if less than 24 hours). Compliance with a maximum daily limit shall be based on a single composite sample when there is only one sample in a 24-hour period, or an average of multiple composite samples in a day. Compliance with a monthly average limit shall be based on an average of all of the values for a specific parameter within a calendar month. Under no circumstances may Grab Samples be averaged.

Discharges of each single sample of TKN and Total Phosphorus in excess of the respective monthly average concentration shown in the table above but below the maximum daily limit shall not be considered an exceedance or a violation of the Local Limits. All Discharges of TKN and Total Phosphorus in excess of the respective monthly average concentration shall be subject to the Treatment Cost Recovery Fees in section 16A-5.2.13.

- 14) Any trucked or hauled Pollutants except at discharge points designated by the Authority, and pursuant to specific authorization of a Wastewater Discharge Permit pursuant to these Regulations or other written Authority authorization.
- 15) Petroleum oil, non-biodegradable cutting oil, or products containing mineral oil in amounts that will cause Interference or Pass Through.
- 16) Any Wastewater containing quantities of Pollutants which exceed the applicable limitations set forth in a National Pretreatment Standard as such standards may be revised from time to time.
- 17) Unusual concentrations of Biochemical Oxygen Demand, at a flow rate or Pollutant concentration that will cause Interference.
- 18) Any Storm Water or water from any roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains.

16A-5.2.2 Prohibited Substances and Materials

No Person shall discharge or cause to be discharged, either directly or indirectly, any Wastewater, sewage or waste to the System which will cause a Pass Through or an Interference with the operation or performance of the Treatment Plant or the following described substances, materials, waters, or wastes if it appears likely, in the opinion of the Authority, that such wastes can harm the System, have an adverse effect on the Waters of the State or can otherwise endanger life, limb, public property or constitute a nuisance. Consideration will be given to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage Treatment process, capacity of the Treatment Plant, degree of treatability of wastes in the Treatment Plant and other pertinent factors. The substances prohibited are:

- 1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.
- 2) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the Member Jurisdiction or the Authority.
- 3) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.

- 4) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such degree that any such material received in the Wastewater at the Treatment Plant exceeds the limits established by the Authority for such materials.
- 5) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Authority as necessary, after Treatment of the Wastewater, to meet the requirements of the State, federal or other public agencies of jurisdiction for such discharge to the Waters of the State.
- 6) Materials which exert or cause unusual concentrations of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) not to exceed seven hundred and fifty (750) mg/L.

When the Authority determines that a User is violating this section, the violator may be subject to the Enforcement Actions in section 16A-5.4 of these Regulations.

16A-5.2.3 Federal Categorical Pretreatment Standards

Compliance by existing sources with Categorical Standards is required under federal law within three (3) years of the date the Standard is effective, unless a shorter compliance time is specified within the Standard. Compliance by New Sources is required under federal law on the date the Standard is effective.

1) Non-Significant Categorical Industrial Users

The Authority may determine that a Categorical Industrial User is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical Wastewater (excluding sanitary, non-contact cooling and boiler blowdown Wastewater, unless specifically included in the standard) and the following conditions are met:

- a) The Industrial User, prior to the Authority's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
- b) The Industrial User annually submits the certification statement required in 40 CFR § 403.12(q) together with any additional information necessary to support the certification statement; and
- c) The Industrial User never discharges any untreated concentrated Wastewater.

2) Equivalent Limitations to Those Expressed as Mass

When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit of production, the Authority may convert the limits to equivalent limitations expressed either as mass of Pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

In any such case the Authority, in calculating equivalent mass-per-day limitations shall calculate such limitations by multiplying the limits in the Categorical Standard by the Industrial User's average rate of production. This average rate of production shall be based not upon the designed production capacity but rather upon a reasonable measure of the Industrial User's actual long-term daily production, such as the average daily production during a representative year. For New Sources, actual production shall be estimated using projected production.

Further in any such case the Authority, in calculating equivalent concentration limitations shall calculate such limitations by dividing the mass limitations derived as stated immediately above by the average daily flow rate of the Industrial User's regulated process

Wastewater. This average daily flow rate shall be based upon a reasonable measure of the Industrial User's actual long-term average flow rate, such as the average daily flow rate during the representative year.

3) Equivalent Limitations to Those Expressed as Concentration

When the limits in a Categorical Pretreatment Standard are expressed only in terms of Pollutant concentrations, an Industrial User may request that the Authority convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Authority. The Authority may establish equivalent mass limits only if the Industrial User meets all the following conditions specified below. To be eligible for equivalent mass limits, the Industrial User must:

- a) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its Wastewater Discharge Permit;
- b) Currently use control and Treatment technologies adequate to achieve compliance with the applicable Categorical Standard, and not have used dilution as a substitute for Treatment;
- c) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and long-term average production rate must be representative of current operating conditions;
- d) Not have daily flow rates, production levels, or Pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
- e) Have consistently complied with all applicable Categorical Standards during the period prior to the Industrial User's request for equivalent mass limits.

Further, an Industrial User subject to equivalent mass limits must:

- f) Maintain and effectively operate control and Treatment technologies adequate to achieve compliance with the equivalent mass limits;
- g) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
- h) Continue to record the facility's production rates and notify the Authority whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined initially. Upon notification of a revised production rate, the Authority will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
- i) Continue to employ the same or comparable water conservation methods and technologies as those implemented so long as it discharges under an equivalent mass limit.

The Authority, if it establishes equivalent mass limits, will:

- j) Calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based daily maximum and monthly average limits for the applicable Categorical Standard and the appropriate unit conversion factor;
- k) Upon notification of a revised production rate, reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

l) Retain the same equivalent mass limit in a subsequent Wastewater Discharge Permit if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for Treatment. The Industrial User must also be in compliance with 40 CFR § 403.17 regarding the prohibition of bypass.

m) The Authority will not express limits in terms of mass for Pollutants such as pH, temperature, radiation, or other Pollutants which cannot appropriately be expressed as mass.

16A-5.2.4 Modification of Federal Categorical Pretreatment Standards

When the System achieves consistent removal (as defined by 40 CFR § 403.7) of Pollutants limited by Categorical Standards, the Authority may in its discretion apply for modification of specific limits in the Categorical Standards. The Authority may then modify Pollutant Discharge limits in the Categorical Standards to reflect such "Removal Credits" if the requirements contained in 40 CFR § 403.7 are met and prior EPA approval is obtained.

16A-5.2.5 Specific Pollutant Limitations

The Authority has established Local Limits in section 16A-5.2.1(13) of these Regulations applicable to all Users. The Authority further reserves the right to set specific numerical limitations on the quantity of Pollutants discharged by any User to the System. Such further limitations may affect a single User, a category of Users, or all Users and will be set at such limits which will further the objectives of these Regulations.

16A-5.2.6 State Requirements

Any applicable State requirements and limitations on Discharges shall apply in any case where they are more stringent than requirements established by the Authority.

16A-5.2.7 Authority's Right of Revision

The Authority reserves the right to modify the Wastewater Discharge Permits, limitations or requirements on Discharges to the System as it determines necessary to comply with the objectives in Section 16A-5.1.1 of these Regulations.

16A-5.2.8 Excessive Discharge

No User shall ever increase the use of process water or, in any way, attempt to dilute a Discharge as a partial or complete substitute for adequate Treatment to achieve compliance with the limitations contained in these Regulations, the Categorical Standards or any other federal, State or local law or regulation.

16A-5.2.9 Accidental Discharges

Each User shall provide protection from accidental Discharge of prohibited Pollutants or other substances regulated by these Regulations. In case of an accidental Discharge, it is the responsibility of the User to immediately telephone and otherwise notify the Authority of the incident. The notification shall include the location of the Discharge, type of waste, concentration, volume, and corrective actions.

1) **Written Notice.** Within five (5) days following an accidental Discharge, the User shall submit to the Authority a detailed written report describing the cause of the Discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the System, fish kills, or any other damage to Person or property; nor shall such notification relieve the User of any civil penalties or other liability which may be imposed under these Regulations or other applicable law.

2) Notice to Employees. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous or accidental Discharge.

16A-5.2.10 New or Increased Wastewater

The Authority may deny or condition new or increased contributions of Pollutants, or changes in the nature of Pollutants, to the System by any User where such contributions do not meet applicable Pretreatment Standards or Requirements or where such contributions would cause a risk of Pass Through or Interference to the System. All Industrial Users shall promptly notify the Authority in advance of any substantial change in the volume or character of Pollutants in their Discharge including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under section 16A-5.2.12.

16A-5.2.11 Notification of Problem Discharges

All Industrial Users shall notify the Authority immediately of all Discharges that could cause problems to the System, including but not limited to any Slug Loadings by such Users. This notification shall be followed up within five (5) days by written notification as provided in section 16A-5.2.9.

16A-5.2.12 Notification of Hazardous Wastes

All Industrial Users shall notify the Authority, the EPA Region 3 Waste Management Division Director, and the Virginia Department of Environmental Quality Division of Land Protection and Revitalization in writing of any Discharge into the System of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 or 9 VAC 20-60. Such notification must include the name of the hazardous waste as set forth in such regulations, the EPA hazardous waste number, and the type of Discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the System, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed hazardous waste discharges must be submitted to the Authority in advance of any substantial change in the volume or character of Pollutants.

Industrial Users are exempt from the above requirements during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR § 261.30(d) and § 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or any quantity of acute hazardous waste, requires a one-time notification. Subsequent months during which the Industrial User discharges additional quantities of such hazardous waste do not require additional notification.

In the case of new regulations identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the Authority, the EPA Region 3 Waste Management Division Director, and the Virginia Department of Environmental Quality Division of Land Protection and Revitalization of the discharge of such substance within 90 days of the effective date of such regulations.

In the case of any notification made under this section, the Industrial User shall certify that it has a program in place to reduce the volume or toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

Industrial Users who commence discharging hazardous wastes after the effective date of these notification requirements shall provide notification no later than 180 days after the discharge of the hazardous waste.

16A-5.2.13 Treatment Cost Recovery Fees

In accordance with the formula below, the Authority shall calculate and collect Treatment Cost Recovery Fees for any daily composite sample for BOD, TSS, TKN and Total Phosphorus concentrations in excess of the monthly average Wastewater Discharge Permit limit or monthly average concentration as provided in 2.1(13). Such fees shall be calculated as the sum of each Treatment Cost Recovery Fee calculated during the monitoring period. Treatment Cost Recovery Fees shall be paid by Industrial Users within 45 days of the end of the monitoring period.

$$\text{Treatment Cost Recovery Fee} = 8.345 * (X - Y) * \text{ADF} * Z * U$$

Where:

X is each single sample concentration when in excess of the monthly average Wastewater Discharge Permit limit (BOD=350 mg/L and TSS=350 mg/L) or monthly average concentration (TKN=70.0 mg/L and Total Phosphorus=14.0 mg/L)

Y is the monthly average Wastewater Discharge Permit limit (BOD=350 mg/L and TSS=350 mg/L) or monthly average concentration (TKN=70.0 mg/L and Total Phosphorus=14.0 mg/L)

ADF is the average daily Wastewater flow in million gallons recorded on the day the exceedance occurred

Z is the Pollutant parameter Treatment Cost Recovery Multiplier below

U is the Pollutant parameter Unit Cost for Treatment in dollars per pound

Treatment Cost Recovery Multiplier

Parameter	1.0	1.5	2.0	3.0
BOD	>350-500 mg/L	>500-1,000 mg/L	>1,000-1,500 mg/L	>1,500 mg/L
TSS	>350-500 mg/L	>500-1,000 mg/L	>1,000-1,500 mg/L	>1,500 mg/L
TKN	>70.0-100 mg/L	>100-125 mg/L	>125-150 mg/L	>150 mg/L
Total Phos- Phorus	>14.0-20 mg/L	>20.0-25 mg/L	>25-30 mg/L	>30 mg/L
Nitrate + Nitrite	NA	NA	NA	>10.0 mg/L

The Unit Cost for Treatment (U) shall be as determined by the Authority on an annual or other basis and published on the Authority website.

Notwithstanding the above, for Industrial Users whose principal classification is industry 312120 (breweries), 312130 (wineries), 312140 (distilleries), 312111 (soft drinks), and other classifications (as approved by the Authority) pursuant to the North American Industry Classification System (NAICS), the factor X used for calculating the BOD Treatment Cost Recovery Fee may be computed by subtracting sBOD from BOD and using the difference, as determined by the Authority on a case-by-case basis.

Imposition and payment of such fees shall not excuse the exceedance of the underlying Pollutant parameter monthly average limit from section 16A-5.2.1(13), and any such exceedance shall continue to be subject to Authority enforcement.

16A-5.2.14 Industrial User Monitoring

Permitted Industrial Users shall be required to monitor their Wastewater Discharges at the following frequencies unless stipulated differently in their individual Wastewater Discharge Permit.

- 1) All Pollutant parameters except as specified below.

Average Daily Flow	Monitoring Frequency
<50,000 gpd	1/week
≥50,000 < 100,000 gpd	2/week
≥100,000 gpd	3/week

- 2) Metals: 1/year.
- 3) Oil & Grease: 2/month.
- 4) pH at least 1/hour each day for the time period of the Discharge.

16A-5.3 - ADMINISTRATION

16A-5.3.1 Wastewater Discharges

It shall be unlawful for any Significant Industrial User to discharge without a Wastewater Discharge Permit to the System any Wastewater except as authorized by the Authority in accordance with the provision of these Regulations.

16A-5.3.2 Wastewater Discharge Permits

All Significant Industrial Users proposing to connect to or contribute to the System shall obtain from the Authority a Wastewater Discharge Permit before connecting to or contributing to the System. The Authority may require any other IU to obtain from the Authority a Wastewater Discharge Permit before connecting to or contributing to the System, if the Authority determines that a Wastewater Discharge Permit is beneficial in implementing these Regulations.

- 1) Wastewater Discharge Permit Application

A User required to obtain a Wastewater Discharge Permit shall complete and file with the Authority an application in the form prescribed by the Authority. The Authority shall furnish the appropriate Member Jurisdiction with a copy of the application upon receipt. Proposed new Users shall apply at least 90 days prior to their intent to connect to or contribute to the System. The application shall include the following information.

- a) Name, address of the User and the location of the Discharge if different from such address;
- b) SIC number(s);
- c) Wastewater constituents and characteristics, including but not limited to, those identified in subsection 16A-5.2.1(13) of these Regulations as determined by a reliable analytical laboratory; and sampling and analysis shall be performed in accordance with procedures established in 40 CFR Part 136;
- d) Time and duration of contribution;
- e) Average daily and 30-minute peak Wastewater flow rates, including daily, monthly and seasonal variations if any;
- f) Site plans showing all sewers and sewer connections by the size, location and elevation and any Pretreatment facilities;

g) Description of Pretreatment facilities and processes on the premises, or those to be installed;

h) Measurement of Pollutants. (i) The User shall identify the Pretreatment Standards applicable to each regulated process; and (ii) the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by an applicable standard or the Authority) of regulated Pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The samples shall be representative of daily operations.

Further (iii) a minimum of four (4) Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other Pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Authority may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) Grab Samples where the User demonstrates that this will provide a representative sample of the effluent being discharged. The User shall (iv) take a minimum of one representative sample to compile the data necessary to comply with the requirements of this section; (v) samples shall be taken immediately downstream from Pretreatment facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment, the User shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR § 403.6(e) in order to evaluate compliance with the Pretreatment Standards.

Where a proposed alternate concentration or mass limit has been calculated in accordance with the combined wastestream formula of 40 CFR § 403.6(e), this adjusted limit along with supporting data shall be submitted to the Authority. This paragraph pertains to Users subject to Categorical Standards.

In the case of Users not subject to Categorical Standards, the Authority shall specify on the Wastewater Discharge Permit application which Pollutants are to be sampled (including sample type and number) and tested.

i) If additional Pretreatment and/or operation and maintenance will be required to meet the Pretreatment Standards or Requirements, the shortest schedule by which the User is able to provide such additional Pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard or otherwise by these Regulations.

The following conditions shall apply to this schedule:

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment Standards or Requirements (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(ii) No increment referred to in the preceding paragraph shall exceed nine (9) months.

(iii) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with such increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Authority.

- j) A list of products produced;
- k) Type of raw material processed; and
- l) Any other information as may be required by the Authority to evaluate the Wastewater Discharge Permit application. The Authority will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the Authority may issue a Wastewater Discharge Permit subject to the terms and conditions provided herein; or the Authority may decline to issue the Wastewater Discharge Permit.

2) Wastewater Discharge Permit Modifications

The Authority may reopen and modify a Wastewater Discharge Permit for good cause, including without limitation for the following reasons.

- a) To incorporate any new or revised Pretreatment Standard or Requirement.
- b) To address significant alterations to the User's processes or Discharge.
- c) A change in the Authority's facilities or processes or the regulatory requirements applicable to the Authority.
- d) To correct typographical or other errors in the Wastewater Discharge Permit.
- e) On the request of the permittee for good cause shown.

3) Wastewater Discharge Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of these Regulations and all other applicable regulations, User charges and fees established by the Authority or the appropriate Member Jurisdiction. Wastewater Discharge Permits shall contain the following:

- a) Statement of duration (in no case more than five (5) years);
- b) Statement of non-transferability without, at a minimum, prior notification to the Authority, a signed agreement between the current and new permittees stating and agreeing to the date of transfer, and approval of the transfer by the Authority. The Authority may in its discretion require a new Wastewater Discharge Permit application from the proposed new owner;
- c) Effluent limits based on applicable general Pretreatment Standards, Categorical Pretreatment Standards, and the requirements of these Regulations;
- d) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the Pollutants to be monitored, sampling location, sampling frequency, and sample type;
- e) Statement of applicable civil and criminal penalties for violation of the Wastewater Discharge Permit, Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;
- f) Limits on average and maximum rate and time of Discharge or requirements for flow regulations and equalization, if determined necessary by the Authority;
- g) Requirements for installation and maintenance of inspection and sampling facilities, if determined necessary by the Executive Director;

- h) Requirements for maintaining and retaining plant records relating to Wastewaters and Discharge as specified by the Authority, and affording the Authority access thereto;
- i) Requirements for notification of the Authority of any new introduction of Wastewater constituents or any substantial change in the volume or character of the Wastewater constituents being introduced into the System;
- j) Requirements for immediate notification of all Discharges that could cause problems to the System, including any Slug Loading;
- k) Statement that the Wastewater Discharge Permit may be reopened and modified as determined necessary by the Authority; and
- l) Other conditions as determined appropriate by the Authority to ensure compliance with these Regulations.

4) Wastewater Discharge Permit Duration

Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. The User shall apply for Wastewater Discharge Permit renewal at least 180 days prior to the expiration of the User's existing Wastewater Discharge Permit. The terms and conditions of the new Wastewater Discharge Permit may be subject to modification by the Authority. The User shall be informed of any proposed changes in its Wastewater Discharge Permit at least 30 days prior to the effective date of change. Any changes or new conditions in the Wastewater Discharge Permit shall include if necessary and consistent with legal requirements a reasonable time schedule for compliance.

If the permittee has submitted a complete reapplication no later than the date identified in the immediately preceding paragraph, and the Authority has not, through any fault of the permittee, made a decision on Wastewater Discharge Permit reissuance, the Wastewater Discharge Permit shall be administratively extended and remain in effect until a final decision on the Wastewater Discharge Permit by the Authority.

5) Supplemental Wastewater Discharge Permit Provisions

- a) Performance Bonds Reserve
- b) Liability Insurance Reserve
- c) Payment of Outstanding Fees and Penalties Reserve
- d) Disclosure Statements (compliance information on User and key personnel) Reserve

6) Wastewater Discharge Permit Transfer

Wastewater Discharge Permit shall be issued to a specific User for a specific operation at a specific location. A Wastewater Discharge Permit shall not be assigned, transferred or sold to another Person or User except as provided in subsection 16A-5.3.2(3)(b), and shall not be applicable to a different premises or a new or changed operation without the approval of the Authority.

16A-5.3.3 Reporting Requirements

1) Baseline Report

Within 180 days after the effective date of a Categorical Standard, existing Industrial Users subject to such standards and currently discharging to or scheduled to discharge to the System shall submit to the Authority a report which contains the information listed in subparagraphs (a) - (g) below. At least 90 days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an

applicable Categorical Standard, shall submit to the Authority a report which contains the information listed in subparagraphs (a) - (e) below. New Sources shall also be required to include in this report information on the method of Pretreatment the source intends to use to meet applicable Pretreatment standards. New Sources shall give estimates of the information requested in subparagraphs (d) and (e) of this section:

- a) Identifying information. The name and address of the facility including the name of the operator and owners;
- b) Permits. A list of any environmental control permits held by or for the facility;
- c) Description of operations. A brief description of the nature, average rate of production, and SIC of the operation(s) carried out by such Industrial User. This description shall include a schematic process diagram which identifies points of Discharge to the System from the regulated processes;
- d) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the System from each of the following:
 - i. Regulated process streams; and
 - ii. Other streams as necessary to allow use of the combined wastestream formula of 40 CFR § 403.6(e).

The Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

e) Measurement of Pollutants. The Categorical Standards applicable to each regulated process. In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or the Authority) of regulated Pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Authority or the applicable standards to determine compliance with the standard. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection. Samples shall be taken immediately downstream from Pretreatment facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment, the User shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR § 403.6(e) in order to evaluate compliance with the standards. Where an alternate concentration or mass limit has been calculated in accordance with these Regulations, this adjusted limit along with supporting data shall be submitted to the Authority.

The Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial Pretreatment measures.

The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant Discharges to the System.

- f) Certification. A statement, reviewed by an Authorized Representative of the Industrial User and certified to by a qualified professional, stating whether standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional Pretreatment is required for the Industrial User to meet the standards; and
- g) Compliance schedule. If additional Pretreatment and/or O&M will be required to meet the standards; the shortest schedule by which the Industrial User will provide such

additional Pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable standard.

Where the Industrial User's Categorical Pretreatment Standard has been modified by a removal allowance (40 CFR § 403.7), the combined wastestream formula (40 CFR § 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR § 403.13) at the time the User submits the report required, the information required by subparagraphs (f) and (g) of this section shall pertain to the modified limits. If the Categorical Pretreatment Standard is modified by a removal allowance, the combined wastestream formula, and/or a Fundamentally Different Factors variance after the User submits the report required by this section, any necessary amendments to the information requested by paragraphs (f) and (g) shall be submitted by the User to the Authority within 60 days after the modified limit is approved.

Compliance schedule for meeting Categorical Standards. The following conditions shall apply to the schedule required by paragraph (1)(g) of this section: The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the Industrial User to meet the applicable Categorical Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No increment shall exceed nine (9) months. Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Authority.

2) Categorical Standard Deadline Compliance

Within 90 days following the date for final compliance with applicable Categorical Standards or in the case of a New Source following commencement of the introduction of Wastewater into the System, the User shall submit to the Authority a report including the information described in subsections (1)(d) – (f) above. For Industrial Users subject to equivalent mass or concentration limits established by the Authority, this report shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to Categorical Standards expressed in terms of allowable Pollutant Discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.

3) Periodic Reports on Continued Compliance

After the compliance date of a Categorical Standard or, in the case of a New Source, after commencement of the Discharge into the System, any User subject to a Categorical Standard shall submit to the Authority during the months of June and December, unless required more frequently by the Authority, a report identifying the nature and concentration of Pollutants in the effluent which are limited by such standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period. At the discretion of the Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Authority may agree to alter the months during which the above reports are to be submitted. In cases where the standard requires compliance with a Best Management Practice or other pollution prevention alternative, the User shall submit documentation required by the Authority or the standard necessary to determine the compliance status of the User.

4) Reports and applications submitted by an Industrial User must be signed by a responsible corporate officer or a duly Authorized Representative of that individual. A responsible corporate officer is defined as the president, secretary, treasurer or vice president of the corporation in charge of the principal business function. In addition, the manager of one or more manufacturing, production or operating facility(ies) of the

corporation, if the facility employs more than 250 persons or has gross national sales or expenditures exceeding \$25 million, may also sign the reports as long as the manager has been authorized to sign reports in accordance with proper corporate procedures. The responsible corporate officer may also authorize a representative to sign the reports provided the officer forwards a written notice to the Authority stating that the representative has been authorized to sign the reports. A duly Authorized Representative may be an individual or position responsible for the overall operations of the facility (e.g. plant manager) or an individual in charge of all environmental affairs for the facility.

The following statement shall be used on all reports, application and notices requiring certification, and with all submissions of data;

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.”

- 5) The Authority may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by the provisions above shall identify the mass of Pollutants regulated by the standards in the effluent of the User.
- 6) All analyses shall be performed in accordance with procedures established by EPA in 40 CFR Part 136. Sampling shall be performed in accordance with the techniques designed and implemented to obtain representative samples.
- 7) Any Industrial User subject to the reporting requirement established in this section shall maintain records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples: (i) the date, exact place, method, and time of sampling and the names of the person or persons taking the samples; (ii) the dates analyses were performed; (iii) the individuals who performed the analyses; (iv) the analytic methods used; and (v) the result of such analyses.

Any Industrial User subject to the reporting requirements established in this section shall retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying on the request of the Authority. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or when requested by the Authority.

16A-5.3.4 Monitoring and Pretreatment Facilities

1) Monitoring Facilities

Each User required to monitor its Wastewater shall provide and operate at the User's expense, monitoring facilities to allow inspection, sampling and flow measurement of the Building Sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but when such location would be impractical or cause undue hardship on the User, if approved by the Member Jurisdiction, the Authority may approve a facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Authority's requirements and all applicable local construction standards and specifications, and shall be available for the Authority's inspection and use for sampling.

2) Pretreatment Facilities

Users shall provide necessary Pretreatment as required to comply with these Regulations and shall achieve compliance with all Pretreatment Standards and Requirements within the time limitations as specified by these Regulations, the Wastewater Discharge Permit, any Order or federal Pretreatment Standards, whichever is more stringent. Any facilities required to pretreat Wastewater to a level acceptable to the Authority shall be proven, operated and maintained at the User's expense. Detailed plans showing the Pretreatment facilities and operating procedures shall be submitted to the Authority for review, and shall be acceptable to the Authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Authority under the provision of these Regulations. Any subsequent changes in the Pretreatment facilities or method of operation shall be reported to and be acceptable to the Authority prior to the User's initiation of the changes.

All records relating to compliance with Pretreatment Standards and Requirements shall be made available to officials of the EPA, the Virginia Department of Environmental Quality and the Authority upon request.

16A-5.3.5 Inspection and Sampling

The Authority shall (i) randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by the Industrial Users, occasional and continuing noncompliance with Pretreatment Standards or Requirements; (ii) inspect and sample the effluent from each Significant Industrial User at least once a year; and (iii) evaluate, at least once every two years, whether each such Significant Industrial User needs a plan to control Slug Loadings. If the Authority determines that a Slug Loading plan is needed, such plan shall contain at a minimum, the elements set forth in 40 CFR § 403.8(f)(2)(v). The Authority may inspect such facilities to ensure compliance. All Users shall allow representatives of the Member Jurisdictions and the Authority access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination (including the right to copy such records) and the performance of any of their duties. The Member Jurisdiction and the Authority shall have the right to set upon the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the Member Jurisdiction and/or the Authority will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

In addition, all Users shall pay to the Member Jurisdiction or the Authority all reasonable and necessary costs incurred by the Member Jurisdiction or the Authority in connection with inspections, Wastewater monitoring, sampling and testing.

16A-5.3.6 Confidential Information

Information and data of a User obtained from reports, questionnaires, Wastewater Discharge Permit applications, Wastewater Discharge Permits, monitoring programs and inspections shall be available to the public without restriction unless the User specifically identifies such information as being business confidential or proprietary and requests that such information remain confidential. Information and data identified and marked by the User as business confidential or proprietary will be held confidential by the Authority to

the extent permissible under law. Information and data concerning effluent data cannot be claimed as confidential.

16A-5.4 - ENFORCEMENT

16A-5.4.1 Harmful Contributions

- 1) The Authority may suspend the Wastewater Treatment service or a Wastewater Discharge Permit or cut off the sewer connection when the Authority determines such suspension or cut off to be necessary, in order to stop a Discharge which:
 - a) presents or may present an imminent or substantial endangerment to the health or welfare of persons;
 - b) presents or may present an imminent or substantial endangerment to the environment;
 - c) may cause or actually causes an Interference or Pass Through; or
 - d) may cause the Authority to violate any condition of its VPDES Permit.
- 2) The Authority may reinstate the Wastewater Discharge Permit or the Wastewater Treatment service upon proof of the elimination of the subject Discharge.
- 3) In the event of a suspension or cut-off under this section, within 15 days the User shall submit a written report to the Authority describing the event that caused the conditions of concern and the measures taken to prevent any recurrence.

16A-5.4.2 Revocation of Wastewater Discharge Permit

The Authority may revoke any Wastewater Discharge Permit if it determines that:

- 1) A User has falsified information or records submitted or retained in accordance with these Regulations or in connection with any Wastewater Discharge Permit issued pursuant to these Regulations;
- 2) A User has violated the conditions of a Wastewater Discharge Permit;
- 3) A User has refused right of entry required by these Regulations;
- 4) A User has failed to timely re-apply for a Wastewater Discharge Permit or request a required Wastewater Discharge Permit modification;
- 5) A User has discharged into the System in violation of these Regulations; or
- 6) Changed circumstance(s) require a temporary or permanent reduction or elimination of the permitted Discharge.

16A-5.4.3 Notice of Violation

- 1) Issuance. The Authority may issue a written Notice of Violation if there are reasonable grounds to believe that the Person to whom the Notice of Violation is directed has violated:
 - a) These Regulations;
 - b) Any requirement imposed under these Regulations; or
 - c) Any Order or Wastewater Discharge Permit issued under these Regulations.
- 2) Contents. A Notice of Violation issued under this section shall:

- a) Specify the provision(s) that allegedly has been violated;
- b) State the alleged facts that constitute the violation;
- c) Require a written response;
- d) Require correction of the cause of the violation alleged; and/or
- e) Require the User's appearance at an informal hearing at a time and place scheduled in order to respond to the charges in the Notice of Violation.

16A-5.4.4 Issuance of Compliance Order

- 1) In general. After or concurrent with the issuance of a Notice of Violation under these Regulations, the Authority may:
 - a) Issue a Compliance Order that requires the Person to whom the Order is directed to take corrective action within a time set in the Order; and/or
 - b) To appear at an informal hearing at a time and place scheduled in order to respond to the charges in the Order.
- 2) Effective Date of Compliance Order. Unless and until the Person subject to the Order makes a timely request for an informal hearing, the Order is according to its terms a final and effective Order. If the Person to whom an Order is directed makes a timely request for a Hearing, the order becomes a final Compliance Order when the Authority renders its decision following the Hearing.
- 3) Emergency Compliance Order. Nothing herein shall prevent the Authority from issuing an Emergency Compliance Order, when conditions warrant, which shall be a final Order when it is delivered to the User and during any informal hearing process, subject to later withdrawal or change by the Authority.

16A-5.4.5 User Informal Hearing Requests

- 1) Hearing. Within 10 days after the date of a Notice of Violation or Compliance Order for which the Authority has not scheduled an informal hearing, the Person to whom the Notice of Violation or Compliance Order is directed may request a hearing by written request to the Executive Director.
- 2) Upon such request by a User, the Executive Director shall schedule an informal hearing before such Person as the Executive Director designates, unless he/she determines that the request for a hearing is frivolous or insubstantial.
- 3) Following any such hearing, the Authority may take further enforcement or other action that it determines to be necessary.

16A-5.4.6 Injunctive Relief.

The Authority may bring an action for an injunction against any Person who violates any provision of these Regulations or any Order or Wastewater Discharge Permit issued under these Regulations.

16A-5.4.7 Administrative Civil Penalties, Special Orders

In the event of a violation(s) of these Regulations, or an Order or Wastewater Discharge Permit hereunder, the Executive Director or his designee may issue to the offending Person a Special Order assessing an administrative civil penalty and requiring other appropriate relief. No Special Order shall be issued until after the Person accused of the violation has been provided an opportunity for a hearing, except with the consent of such Person. The

notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, on such Person or any Authorized Representative of such Person at least 30 days prior to the hearing. The notice shall specify the time and place for the hearing, facts and legal requirements related to the alleged violation, and the amount of any proposed administrative civil penalty. At the hearing the Person accused of the violation may present evidence including witnesses regarding the occurrence of the alleged violation and the amount of the penalty, and may examine any witnesses for the Authority. A verbatim record of the hearing shall be made. Within 30 days after the conclusion of the hearing, the Executive Director or his designee shall make findings of fact and conclusions of law and either issue the Special Order, withdraw the matter, or take other appropriate action.

No Special Order shall assess an administrative civil penalty in excess of \$32,500 per violation, or \$100,000 in total, except with the consent of the subject of the Special Order. The actual amount of any administrative civil penalty assessed shall be based upon the severity of the violations, the extent of any potential or actual environmental harm or facility damage, the compliance history of the Person, any economic benefit realized from the noncompliance, and the ability of the Person to pay the penalty. In addition to administrative civil penalties, the Special Order may include a monetary assessment for actual damages to sewers, Treatment works and appurtenances and for costs, attorney fees and other expenses resulting from the violations, absent the consent of the Person in the Order. Civil penalties in excess of the maximum amounts established herein may be imposed only by a Virginia court of competent jurisdiction in amounts determined in its discretion but not to exceed the maximum amounts established in Virginia Code section 62.1-44.32.

This section shall not impair the Authority's right to proceed for penalty or other relief on other applicable authorities. Each day during which a violation is found to have occurred shall constitute a separate violation, other than any violation that is by its nature only as to matters occurring over a period in excess of a single day. An admission or finding of liability under this section shall not be deemed an admission in any criminal proceeding, and no civil action authorized by the section shall proceed while a criminal action is proceeding.

Any Special Order issued by the Authority, whether or not assessing an administrative civil penalty, shall inform the Person of his right to seek reconsideration or review by the Executive Director and of his right to judicial review of any final Special Order. Reconsideration or review shall be initiated by written request to the Executive Director filed within 30 days of the date of the Special Order. The Executive Director's decision on reconsideration or review shall be provided in writing. Judicial review shall be available only if the subject of the Special Order has first exhausted his opportunity for administrative reconsideration or review. An appeal shall be to Circuit Court on the record of proceedings before the Authority. To commence an appeal, the Person shall file a Petition in Circuit Court within 30 days of the date of the final decision on the Special Order on reconsideration or review, and failure to do so shall constitute a waiver of the right to appeal. With respect to matters of law, the burden shall be on the party seeking review to designate and demonstrate an error of law subject to review by the court. With respect to issues of fact, the duty of the court shall be limited to ascertaining whether there was substantial evidence in the record to reasonably support such findings.

16A-5.4.8 Surcharge

The Authority may impose a surcharge on each Member Jurisdiction, User or Discharge which exceeds the limitations specified in section 16A-5.2, sufficient to recover any costs that result either directly or indirectly from such exceedance. The assessment or payment of any such surcharge shall not constitute an acceptance of such wastes by the Authority, and shall not prevent the Authority from any other enforcement or other actions under these Regulations in response to such exceedance.

16A-5.4.9 Defenses to Wastewater Discharge Permit Violations

1) Upset. For the purposes of this section, Upset means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards or Pretreatment Requirements because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed Treatment facilities, inadequate Treatment facilities, lack of preventive maintenance, or careless or improper operation. An Upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards or Pretreatment Requirements if the requirements of subsection 16A-5.4.9(1)(a) are met.

a) Conditions necessary for a demonstration of Upset. An Industrial User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An Upset occurred and the Industrial User can identify the cause(s) of the Upset;

(ii) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(iii) The Industrial User has submitted the following information to the Authority within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five days):

A description of the Indirect Discharge and cause of noncompliance;

The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

b) Burden of Proof. In any enforcement proceeding the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.

c) Reviewability of Authority consideration of claims of Upset. No determinations made in the course of the review shall constitute final Authority action subject to judicial review. Industrial Users will have the opportunity for a determination on any claim of Upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.

d) User responsibility in case of Upset. The Industrial User shall control production or all Discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

e) The treatment cost recovery fees, outlined in section 16A-5.2.13, still apply regardless of the cause or length of the Upset.

2) Bypass. Bypass means the intentional diversion of wastestreams from any portion of an Industrial User's Pretreatment facility. Severe property damage means substantial physical damage to property, damage to the Treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a Bypass. Severe property damage does not mean economic loss caused by delays in production.

a) Bypass not violating applicable Categorical Standards or Pretreatment Requirements. An Industrial User may allow any Bypass to occur which does not cause

Categorical Standards or Pretreatment Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (b) and (c) of this subsection.

b) Notice. If an Industrial User knows in advance of the need for a Bypass, it shall submit prior notice to the Authority, if possible at least ten days before the date of the Bypass. An Industrial User shall submit oral notice of an unanticipated Bypass that exceeds applicable standards to the Authority within 24 hours from the time the Industrial User becomes aware of the Bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the Bypass. The written submission shall contain a description of the Bypass and its cause; the duration of the Bypass, including exact dates and times, and, if the Bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Bypass. The Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

c) Prohibition of bypass. Bypass is prohibited, and the Authority may take enforcement action against an Industrial User for a Bypass, unless;

(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the Bypass, such as the use of auxiliary Treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(iii) The Industrial User submitted notices as required under subsection 16A-5.4.9(2)
 ((b). The Authority may approve an anticipated Bypass, after considering its adverse effects, if the Authority determines that it will meet the three conditions listed in this subsection (c).

d) The treatment cost recovery fees, outlined in section 16A-5.2.13, still apply regardless of the cause or length of the Bypass.

16A-5.5 - PUBLIC NOTICE OF SIGNIFICANT NONCOMPLIANCE

At least annually the Authority shall give public notification in the largest daily newspaper published in Rockingham County (*Daily News-Record*), of Industrial Users which were in significant noncompliance with applicable Pretreatment Standards or other Pretreatment Requirements. For the purposes of this provision, a User is in significant noncompliance if its violations meet one of more of the following criteria: (i) chronic violations of Wastewater Discharge limits, defined as those in which sixty-six percent or more of all of the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same Pollutant parameter; (ii) technical review criteria (TRC) violations defined as those in which thirty-three percent or more of all of the measurements for each Pollutant parameter taken during a six-month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other Pollutants except pH); (iii) any other violation of a Pretreatment effluent limit (daily maximum or longer-term average) that the Authority determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of Authority personnel or the general public); (iv) any Discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Authority's exercise of its emergency authority to halt or prevent such a Discharge; (v) failure to meet within 90 days after the scheduled date, a compliance schedule milestone contained in a Wastewater Discharge Permit or enforcement order, for starting construction, completing construction, or attaining final compliance; (vi) failure to provide within 45 days after the due date required reports such as baseline monitoring

reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules; (vii) failure to accurately report noncompliance; or (viii) any other violation or group of violations which the Authority determines will adversely affect the operation or implementation of the Pretreatment program.

16A-5.6 - SEVERABILITY

If any provision, paragraph, word, section or article of these Regulations is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

This ordinance shall be effective from the 1st day of May, 2018.

Administrator King thanked Mr. Miller for his thorough review of the Harrisonburg Rockingham Regional Sewer Authority Operating Rules and Regulations and detection of errors in the document.

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STAFF REPORTS.

Chairman Cuevas informed the students that Virginia has 95 counties, and Rockingham is the third largest county in geographical size (not population). He noted the employees providing staff reports run the complex operations of the County on a daily basis. Chairman Cuevas explained that serving on the Board of Supervisors is not a full-time job and the Board depends on the skills of staff, and the service they provide to County citizens.

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COUNTY ADMINISTRATOR’S STAFF REPORT.

The Board received and reviewed Administrator King’s staff report dated April 6, 2018.

Administrator King brought attention to an item in his report regarding court space needs. He expressed appreciation to the Juvenile & Domestic Relations Court judges for being willing to utilize courtroom space in the Circuit Courthouse when it is available.

Administrator King noted an item in his report regarding a software package offered by OpenGov. Since the software will not be utilized in the next year, staff would like to delay the project indefinitely and eliminate paying the annual fee. Staff will request that the Board approve the purchase of OpenGov software when the service is needed, he said.

Chairman Cuevas informed the students that County staff works with the Board of Supervisors, Constitutional Officers, state and federal agencies, as well as with the School Board, Schools central office and 23 schools in the County.

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ASSISTANT COUNTY ADMINISTRATOR’S STAFF REPORT.

Administrator King noted that Mr. Anas was working with a state economic development prospect and was unable to attend the meeting.

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FINANCE DIRECTORS STAFF REPORT.

The Board received and reviewed Mrs. Davidson’s staff report dated April 4, 2018.

On motion by Supervisor Kyger, seconded by Supervisor Breeden, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; the Board declared the following items surplus to be disposed of through the public surplus auction website:

Items to Declare Surplus – April 2018

Description	Quantity
Chairs	7
Shelf	1
Filing Cabinet	1
Desk	1
Ice Machine	1
2002 Chevrolet S-10 Blazer	1
1988 Toyota 4 Runner	1
Emglo Compressor	1

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HUMAN RESOURCES DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Mongold’s staff report dated April 11, 2018.

Mrs. Mongold reported that the Finance Committee reviewed a proposed Policy for the Employee Reimbursement of Fire and EMS Related Training and Education, which indicates the Fire Chief or Deputy Fire Chief will approve County-paid training and/or education that costs \$3,000 or more. The employee will sign an Agreement for the Employee Reimbursement of Fire and EMS Related Training and Education, indicating they will reimburse the County on a prorated basis if they terminate their employment with Rockingham County Fire & Rescue within three years.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; the Board adopted the Policy for the Employee Reimbursement of Fire and EMS Related Training and Education.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Rhodes’ staff report dated April 11, 2018.

Mr. Rhodes noted there was a water situation in the Smith Creek Water and Sewer Authority service area north of Harrisonburg earlier in the day. He reported water was restored with a boil advisory in place until 3:00 p.m. on April 12, 2018. Mr. Rhodes stated all water tests have been negative for contaminants.

Supervisor Breeden told Mr. Rhodes he would like to meet with him to discuss tank sites in the McGaheysville area. Mr. Rhodes said he talked with a citizen in that area about possibly rerouting the water line.

Mr. Miller requested that the Board authorize Administrator King to sign an agreement between the County and Sentara RMH to discontinue the landfill gas contract between the two entities. He noted Sentara RMH will continue to pay the principle and interest on the bond for the next two years.

On motion by Supervisor Breeden, seconded by Supervisor Chandler, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; the Board authorized Administrator King to sign the Agreement to discontinue the landfill gas contract.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong’s staff report dated April 11, 2018.

Ms. Stultz indicated ordinance amendment OA17-285, Amendment to Rockingham County Code, Chapter 17 (Zoning Ordinance), Table 17-806.01 Area, Setback, and Height Standards - Conventional, to increase structure height in the B-1, B-2, and I-1 zoning districts from 45' to 60' was brought before the Board on January 24, 2018. Due to a concern raised during the public hearing regarding taller buildings in B-1 and B-2 areas, such as the historical Port Republic Village, the Board tabled the ordinance amendment to allow staff time to study the impact of buildings over 45’ tall outside of urban growth or urban development areas.

Ms. Stultz said staff completed the study and requests that the Board adopt the revised ordinance to increase the height of primary structures in the B-1, B-2, and I-1 zoning districts within the urban growth areas or urban development areas from 45’ to 60’; the height will not exceed 45’ outside of those areas.

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; the Board approved the following ordinance amendment:

**ORDINANCE
AMENDING PORTIONS
OF TABLE 17-806.01
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Table 17-806.01 Area, Setback and Height Standards – Conventional be and hereby is amended as follows:

Table 17-806.01 Area, Setback and Height Standards - Conventional

B-1, General Business, B-2, Neighborhood Business, and I-1, General Industrial zoning districts within urban growth areas or urban development areas designated in the comprehensive plan or any other plan adopted by the county, increase the height of primary structures from 45’ to 60’.

B-1, General Business, B-2, Neighborhood Business, and I-1, General Industrial zoning districts within urban growth areas or urban development areas designated in the comprehensive plan or any other plan adopted by the county, increase the height of

accessory structures, which are no greater square footage than primary structure, from 45' to 60', but no higher than primary structure, whichever is less.

Ms. Stultz noted the County subdivision ordinance contains specific items regarding septic approvals that were included many years ago before there were alternative septic systems. Currently, when citizens go to the health department and are not able to get septic approval or need to have their land perked, they are informed that these are County regulations, not health department regulations. Ms. Stultz said Health Department personnel are in favor of the County changing the ordinance to indicate citizens must meet health department regulations. She said staff would like the Board's permission to study the specific septic requirements in the Subdivision Ordinance and determine if the ordinance should indicate "Health Department regulations must be met."

On motion by Supervisor Breeden, seconded by Supervisor Chandler and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; the Board requested that staff study the specific requirements in the Subdivision Ordinance pertaining to septic requirements.

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TECHNOLOGY DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Perry's staff report dated April 2018.

Mrs. Perry stated the first group of Shentel phones will be delivered to the Administration Center within the next three weeks.

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FIRE AND RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Holloway's staff report dated April 2018.

Chief Holloway noted a tanker will be provided to the U.S. Forest Service for the controlled burn in the Hone Quarry area. He noted there is an outside burning ban on April 12, 2018, due to the high fire threat.

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PARKS & RECREATION DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Dean's staff report dated April 6, 2018.

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COURT SERVICES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Freeman's staff report dated April 11, 2018.

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RECESS.

At 2:59 p.m., Chairman Cuevas recessed the meeting for the students to be released from school.

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CALL TO ORDER

At 3:05 p.m., Chairman Cuevas called the meeting back to order.

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COMMITTEE REPORTS.

The Board heard the following reports from Board members and staff:

FINANCE

As noted in the Finance Committee Report, an Invitation to Bid was issued to request formal competitive sealed bids in order to establish a contract for accidental and health insurance coverage for County Fire & Rescue volunteers. The bid closed February 16, 2018, with three responses received. Staff requested awarding the contract to Chesterfield Insurances, the low bidder at \$66,656 a year, guaranteed for three years.

The Finance Department also issued a Request for Proposals for firms to provide electrical upgrades, repairs and maintenance of Utilities’ electrical systems, as well as landfill and container site electrical systems. Bids were due March 23, 2018, with two responses received. Staff recommended approval of both Leon’s Electric and Trumbo Electric to allow flexibility in scheduling and utilization of each company’s strengths. Services for new installations may also be utilized, but are a smaller piece of the contract. Estimated expenses under the three-year contract are \$50,000 a year, and the contract is renewable for two additional one-year periods.

On behalf of the Finance Committee, Supervisor Breeden made a motion that the Board award the contract for accidental and health insurance coverage for County Fire & Rescue volunteers to Chesterfield Insurances at a cost of \$66,656 a year, guaranteed for three years; and approve a three-year contract with Leon’s Electric and Trumbo Electric to provide electrical upgrades, repairs and maintenance of the Utilities, landfill and container site electrical systems, with a renewal for two additional one-year periods. Supervisor Chandler seconded the motion.

Supervisor Kyger confirmed with Philip Rhodes that the least expensive company would be utilized whenever possible.

Carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; the Board awarded the contract for accidental and health insurance coverage for County Fire & Rescue volunteers to Chesterfield Insurances at a cost of \$66,656 a year, guaranteed for three years; and approved a three-year contract with Leon’s Electric and Trumbo Electric to provide electrical upgrades, repairs and maintenance of the Utilities, landfill and container site electrical systems, with a renewal for two additional one-year periods, with the following terms for each business:

Leon’s Electric

- Electrician - \$38.00/hour
- Helper - \$37.00/hour
- Bucket or Boom Truck - \$40.00/hour
- Emergency Calls (weekends of holidays) – Time and a half per person
- Materials – Cost plus 10 percent

Trumbo Electric

- Master Electrician - \$55.00/hour (overtime \$79.00/hour)
- Journeyman Electrician - \$45.50/hour (overtime \$66.00 hour)
- Helper - 34.50/hour (overtime \$51.00/hour)
- Bucket Truck - \$35.00/hour

HARRISONBURG-ROCKINGHAM REGIONAL SEWER AUTHORITY (HRRSA)

Administrator King indicated the terms of the County’s member and alternate on the HRSSA expire July 14, 2018. He suggested appointing Philip Rhodes as the voting member, with him serving as the alternate.

On motion by Supervisor Kyger, seconded by Supervisor Chandler and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; KYGER – AYE; the Board appointed Philip S. Rhodes as the County’s voting member and Stephen G. King as the alternate on the Harrisonburg-Rockingham Regional Sewer Authority (HRRSA) for terms to expire July 14, 2022.

MASSANUTTEN REGIONAL LIBRARY

Supervisor Chandler indicated the Library Committee met recently to discuss their budget.

SHENANDOAH VALLEY PARTNERSHIP (SVP)

Supervisor Kyger indicated he was pleased to see the first SkyWest flight land at the Shenandoah Valley Airport (SVRA). He said the Board and staff should encourage citizens and businesses to use SVRA as much as possible.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Supervisor Kyger was hopeful that the State would adopt a budget for the Governor’s approval soon. His understanding was that a modified house budget will be filed, with five senators of the majority side possibly voting with the minority side to support the modified house budget.

OTHER

Chairman Cuevas thanked County staff for adjusting their schedules to meet at a different location. He also expressed appreciation to the Turner Ashby staff and Supervisor Kyger for making it possible for the Board to meet at Turner Ashby and share information with different citizens in the County during the budget public hearing.

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CLOSED MEETING.

On motion by Supervisor Chandler, seconded by Supervisor Breedon, and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; KYGER - AYE; the Board recessed the meeting from 3:11 p.m. to 4:19 p.m., for a closed meeting pursuant to 2.2-3711. A (1), Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

MOTION: SUPERVISOR KYGER RESOLUTION NO: 18-06
SECOND: SUPERVISOR BREEDEN MEETING DATE: APRIL 11, 2018

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:
AYES: BREEDEN, CHANDLER, CUEVAS, KYGER
NAYS: NONE
ABSENT:

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RECESS.

At 4:19 p.m., Chairman Cuevas recessed the meeting for dinner.

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CALL TO ORDER.

At 6:01 p.m., Chairman Cuevas opened the evening portion of the meeting.

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INTRODUCTION OF STUDENTS.

Turner Ashby High School students introduced themselves to the Board.

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PUBLIC HEARING – SPECIAL USE PERMIT.

At 6:03 p.m., Chairman Cuevas opened the public hearing and Ms. Stultz reviewed the following special use permit request:

SUP18-062 Helmuth Builders, 121 Carpenter Lane, Harrisonburg 22801 for an addition to woodworking business (indoor storage area of building materials) on property located on the west side of Irish Path (Route 720) approximately 2/10 mile east of Kratzer Road (Route 753), Election District #2, zoned A-2. Tax Map #79-(A)-120A. Property Address: 2035 Irish Path

William Moore from Balzer & Associates, consultant for Helmuth Builders, was available to answer questions.

No one spoke in opposition to the request.

Chairman Cuevas closed the public hearing at 6:07 p.m.

Supervisor Kyger indicated Helmuth Builders’ request is well within the use and requirements of the area where the business is located.

On motion by Supervisor Kyger, seconded by Supervisor Chandler, and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE;

CUEVAS – AYE; KYGER – AYE; the Board, with the following conditions, approved SUP18-062, Helmuth Builders, 121 Carpenter Lane, Harrisonburg 22801 for an addition to woodworking business (indoor storage area of building materials) on property located on the west side of Irish Path (Route 720) approximately 2/10 mile east of Kratzer Road (Route 753), Election District #2, zoned A-2. Tax Map #79-(A)-120A. Property Address: 2035 Irish Path

CONDITIONS:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Building shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. As required by VDOT, the entrance shall be re-configured to meet current commercial entrance standards.
4. All requirements of the Rockingham County Fire Prevention Code shall be met.
5. Expansion shall not encroach upon the existing septic system.
6. As required by the Health Department, there shall be a minimum 10' separation from the expansion to any septic tank and/or drainfield.
7. As proffered by the applicant, there shall be a maximum of ten (10) employees total.
8. As proffered by the applicant, there shall be no on-site customer sales.
9. As proffered by the applicant, there shall be a maximum of ten (10) trips per day for deliveries.
10. This permit is contingent upon a site plan being submitted to and approved by the County. No work shall be done on the property and the business shall not begin operation until such time as the site plan is approved.

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PUBLIC HEARING – PROPOSED BUDGET FOR THE FISCAL YEAR 2018-2019.

At 6:08 p.m., Chairman Cuevas declared the meeting open for a public hearing pursuant to Section 15.2-2506, Code of Virginia, 1950, as amended, on the Proposed Budget for the Fiscal Year 2018-2019:

**COUNTY OF ROCKINGHAM, VIRGINIA
PROPOSED BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2018**

REVENUES

	AMENDED FY 2017-18	PROPOSED FY 2018-19
<u>GENERAL FUND</u>		
General Property Taxes	\$ 85,274,500	\$ 89,633,000
Other Local Taxes	11,521,350	11,741,350
Other Local Revenue	12,098,580	12,039,187
State Revenue	17,935,126	17,281,535
Federal Revenue	1,410,594	1,188,472
Debt Proceeds	27,769,530	-
Balance Carried Forward	5,300,254	1,258,622
TOTAL GENERAL FUND	\$ 161,309,934	\$ 133,142,166
Capital Projects Fund	\$ 22,082,153	\$ 550,000
School Capital Projects Fund	17,914,862	19,363,000
School Fund	137,268,400	137,268,400
School Cafeteria Fund	5,460,535	5,460,535
Massanutten Technical Center	5,913,027	5,913,027
Asset Forfeiture Fund	115,900	115,900
H'burg Rockingham Soc Services District	18,045,565	19,567,785
H'burg Rockingham Children's Services Act	9,287,883	10,205,110
Central Stores Fund	45,000	45,000
Self-Funded Health Insurance Plan Fund	29,956,000	30,555,120
Water & Sewer Utilities Fund	20,764,862	7,042,375
Lilly Subdivision Sanitary District	53,740	56,771
Smith Creek Water & Wastewater Auth	414,943	505,414
Countryside Sanitary District	19,042	19,190
Penn Laird Sewer Authority	29,024	29,018
Solid Waste Fund	13,262,513	4,950,792
Laird L Conrad Law Library Fund	50,585	50,585
Economic Development Authority	7,500	4,500
Human Resources Rental Fund	232,774	232,774
Emergency Medical Services Transp Fund	1,460,000	1,460,000
TOTAL REVENUES	\$ 443,694,242	\$ 376,537,462

EXPENDITURES

	AMENDED FY 2017-18	PROPOSED FY 2018-19
<u>GENERAL FUND</u>		
General Government Administration	\$ 6,658,019	\$ 6,242,251
Judicial Administration	4,674,848	4,378,025
Public Safety	33,057,693	30,439,384
Public Works	2,941,520	2,802,608
Human Services	2,110,390	2,423,490
Parks, Recreation & Cultural	2,552,573	2,537,443
Community Development	2,460,400	3,070,974
Contributions	594,513	597,013
Contingency	79,517	250,000
Other Expenses	80,000	580,000
Transfers to Other Funds	95,559,831	67,460,284
Debt Service – County	2,529,671	2,843,444
Debt Service – Schools	8,010,960	9,517,249
TOTAL GENERAL FUND	\$ 161,309,934	\$ 133,142,166

	AMENDED FY 2017-18	PROPOSED FY 2018-19
Capital Projects Fund		\$ 550,000
School Capital Projects Fund	17,914,862	19,363,000
School Fund	137,268,400	137,268,400
School Cafeteria Fund	5,460,535	5,460,535
School Textbook Fund	-	-
Massanutten Technical Center Fund	5,913,027	5,913,027
Asset Forfeiture Fund	115,900	115,900
H'burg Rockingham Soc Services District	18,045,565	19,567,785
H'burg Rockingham Children's Services Act	9,287,883	10,205,110
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Emergency Medical Services Transp Fund	1,460,000	1,460,000
TOTAL EXPENDITURES	\$ 443,694,242	\$ 376,537,462

Administrator King provided the following presentation on the proposed Fiscal Year 2018-2019 Budget:

Administrator King indicated the 2018-2019 proposed budget meets the mandated and identified needs, priorities, and commitments set by the Board. The clear direction from the Board entering into the FY19 budget preparation was that there was to be no increase in the 74-cent tax rate. County staff fully understood and supported the Board's direction.

Rockingham 2020 Plan

In 2015, the Board developed a plan for the upcoming five years (the Rockingham 2020 plan), which included projects and initiatives for the digital technology for Schools; school renovation projects; Jail HVAC upgrade; fire and rescue station, apparatus and staffing additions; Harrisonburg-Rockingham Emergency Communications Center Computer Aided Dispatch and Data Management System (CAD/DMS) software upgrade; technology improvements; and court expansion.

Administrator King noted when the 2020 plan was adopted in 2015, it was clear it was a plan, subject to revision based on conditions, changing factors and priorities; it was not a commitment.

The proposed budget anticipates that Schools will proceed with Phase V of the technology initiative. Phase 1 of School renovation projects at John W. Wayland Elementary School, Pleasant Valley Elementary School and the Rockingham Academy will be completed this year. Debt service for construction projects has a \$1.5 million annual impact on the County's budget. Administrator King stressed that it is critical for the Board of Supervisors and School Board to consider how the timing of the debt service for the projects (starting and dropping off) impact future budgets. Design of the Phase 2 school building program is underway for Fulks Run Elementary School and John C. Myers

Elementary School. These projects could go out for bid early next year. A decision regarding construction is needed soon so the School Board knows how to proceed.

The replacement and upgrades to the HVAC system placed in the Jail facility when it was constructed in the mid-1990s will be phased in over three years. This project will improve the environment for individuals in the Jail. The total project cost is estimated at \$5 million, with funding split between the County and City.

The 2020 Plan included a County-constructed fire and rescue station in the Port Republic - Stone Spring Road area, with \$1.2 million set aside in the Capital Projects fund. Additional funds may be borrowed for the construction.

Also included in the 2020 plan and being put into action in FY19 is the addition of two Fire & Rescue personnel housed at the Clover Hill location due to a shortage of volunteers; and three floater positions intended to cover the existing response requirements. The floater positions are intended to cover for staff on vacation or sick leave.

Administrator King noted the County received federal Staffing for Adequate Fire & Emergency Response (SAFER) grant funds in FY17 to hire nine new fire & rescue employees. Funding for those positions will be the County's responsibility beginning partially in FY19 (\$265,000), with full funding at double that amount in FY20.

The budget includes funds to replace a 1986 model tanker truck currently in use. Participating more in capital expenses (buildings, apparatus, and equipment) may help reduce the continued demands placed on volunteers. These are some of the few discretionary areas in the budget, Mr. King said.

The FY18 budget includes \$1.6 million for the Computer Aided Dispatch and Data Management System (CAD/DMS) project. Mr. King noted that Emergency Communication Center Director Jim Junkins oversaw the project rather than hire a project manager, which saved the County and City money. The County is moving away from in-house developed and maintained software systems to an off-the-shelf Munis package, which is part of the County's larger financial software package. Implementation costs included in the budget are approximately \$500,000. This project changes how the County has operated in the past. Administrator King thanked the Treasurer and Commissioner of the Revenue for stepping up to the challenge with the implementation of this necessary software.

The plan includes money for a space needs study underway in the Juvenile and Domestic Relations (J&DR) courts. Administrator King said he appreciated the J&DR court judges' willingness to help meet short-term courtroom space needs by holding court one day a week in one of the available Circuit Courtrooms in the Courthouse. The budget does not include funding for additional space once the study is completed.

The 2020 Plan also considered road improvement projects to be completed through VDOT's 50/50 Revenue Sharing program. Mr. King noted that Community Development Director Casey Armstrong and his staff have overseen the Reservoir Street project that will be completed in a few months, and the Route 33 third lane between Stone Spring Road and Massanetta Springs Road. They are also overseeing improvements to the Massanetta Springs Road widening project. As suggested during last year's budget presentation, staff recommends that the County take a break in County-funded road construction once these projects are completed.

Mr. King displayed a list of fifteen alternative justice system programs the County and City have implemented, including a mental health pod. He noted that eight percent of inmates have some type of mental health or substance abuse issues, or both. Mr. King applauded the Sheriff's Department, Board of Supervisors and City Council for their participation in the various projects. Other funding in place for the Sheriff/Jail are the replacement of seven vehicles and an inmate crew worker (a jailer to manage work crews around Harrisonburg).

FY 2018 – 2019 Proposed Budget

The FY18 budget totaled \$377,571,881. Revenue projections at the end of FY18 (June 2018) from the four major sources are as follows:

FY18 revenue projections are about \$1 million less than budgeted.

	Budget	Projection
Real Estate	\$54,850,000	\$54,970,000
Personal Property	\$15,100,000	\$15,450,000
Machinery & Tools	\$8,000,000	\$9,700,000
Sales Tax	\$6,200,000	\$6,300,000

The County expects FY18 expenses to come in as follows:

	Budget	Projection
General Fund	\$130,579,839	\$129,500,000
School Transfer	\$62,503,791	\$62,000,000

Staff projects expenditures to be approximately \$1 million below budget as well. Therefore, projected revenues are essentially equal to projected expenses for the current fiscal year.

The FY 2019 general fund budget reflects an increase of \$2.5 million or 1.96 percent over the FY 2018 adopted budget, with the major increases including \$1.5 million to the school debt service for Phase 1 of the school building program, \$657,326 for the County’s debt serve for the radio system upgrade, and \$500,000 to implement a compensation and classification study, which is near completion, to address salaries that are not competitive.

Administrator King stated the FY 2019 budget proposal maintains commitment to:

- Follow the County’s financial policies
- Address the needs for both County and Schools
- Attempt to maintain competitive compensation
- Attempt to minimize the impact on County taxpayers
- Continue progress on goals and objects identified in the Rockingham 2020 plan
- Sustain the County’s AAA bond rating
- Use the fund balance for one-time expenses
- Maintain a lean budget
- Maintain a healthy revenue stream for the general fund and enterprise funds to support continued operations
- Maintain health insurance rates where they are currently

Administrator King said good fiscal practice discourages the County from using the fund balance for ongoing expenses. A total of \$1.2 million is proposed to be funded through the General Fund, fund balance. That is \$1.7 million less than FY 2018.

The County commits to a continued evaluation of staffing needs, for existing positions and positions that become vacant, at all levels of the organization.

The commitment to Schools:

- Level funding transfer to the School operating fund, equivalent with the FY18 contribution. Schools represent about 48 percent of the General Fund disbursement
- Phase V of the instructional technology initiative
- Increase of \$1.5 million for School debt service to fund Phase 1 of the school construction program

Mr. King provided a slide showing the FY 2017 percentage of actual local expenditures for operations above the required local effort. Mr. King noted the County provides Schools with 146 percent funding above the State's required local effort. Only three of Virginia's 95 counties fund a higher percentage to their schools.

The commitment to employees:

- Funds for implementation of the compensation and classification study
- Five new Fire and Rescue positions
 - Two at Clover Hill
 - Three Floaters
- No change to the employee health insurance

The commitment to citizens:

- Spend wisely
- Focus on planned, steady growth
- Continue to provide quality education
- Continue to provide quality fire and rescue response
- Improve landfill facilities
- Improve utility services

Balancing the Budget

Administrator King indicated the FY19 proposed budget is balanced at a real estate tax rate of 74 cents per \$100 of assessed value. No real estate tax rate increase is proposed, but there is an effective increase due to the 2018 reassessment. The reassessment resulted in a 2.28 percent increase across the County. Some citizens will see an increase in their real estate value and others will not; it will vary depending on their location and market in each respective area. The average bill will increase \$20. Mr. King said a one-cent tax rate results in \$760,000 in FY 2019 revenue.

Mr. King displayed a graph indicating how reliant the County is upon real estate taxes, which make up 44.11 percent of the 2019 general fund revenues. The County's transient occupancy tax revenue is about \$230,000 per year at the currently permitted two-percent rate. The State authorized the County to increase the transient occupancy tax to five percent, with the added revenue of \$345,000 to be utilized for tourism/marketing efforts as required per State Code for funds in excess of two percent. He noted that staff will make an evaluation and provide suggestions to the Board regarding how those funds can be used to help promote tourism in the County, to generate more revenue and more transient occupancy.

Next, Administrator King highlighted three items included in the proposed General Fund budget of \$133,142,166:

- School Transfer (\$62,503,791) is basically the same as the current year at 48 percent
- Salaries & Benefits for County employees (\$30,364,818) are 23 percent of expenditures
- Transfer to Capital Project fund in the amount of \$550,000

Mr. King emphasized the continued positive and professional working relationship the County has with the constitutional officers. The proposed budget reflects their continued efforts to provide quality service to the citizens of Rockingham County in a cost-conscious manner. He noted the Commonwealth's Attorney and Sheriff under estimate their budget and use asset forfeiture funds to help with shortfalls.

The budget, as proposed, requires about \$1.3 million be used from the County's General Fund reserve (savings). Good financial practice dictates that one-time unassigned balances in the General Fund continue to be used to fund one-time capital expenses such as vehicles for the Sheriff's Department.

In conclusion, Mr. King stated the County takes the budget seriously and feels obligated to spend funds wisely. The County does not increase rates unnecessarily. The landfill tipping fees and water and sewer rates are flat because the revenue is not needed. The County lowers rates when appropriate and looks to the future, not just today. He reiterated that the proposed budget does not include a tax rate increase.

Administrator King thanked the Board for the opportunity to serve as County Administrator. He takes his responsibilities very seriously and there is a group of qualified, capable, and equally serious people on the County's team, he said. The proposed budget reflects hard work and significant input by County staff, constitutional officers, school partners and the Board of Supervisors.

Administrator King extended particular appreciation to Patricia Davidson, the County's Finance Director, who performed the majority of the tough work putting the numbers together for the budget.

Chairman Cuevas expressed appreciation to Administrator King, Director of Finance Davidson, and other staff who worked on the budget proposal for the coming year. Chairman Cuevas said it does not get any easier as time goes by, the population of the County continues to increase, and challenges continue to come from the State and Federal government. He indicated the County is obligated to meet the rules and regulations from higher governments with little control. Chairman Cuevas stated there are two and a half months until July 1, the first day of the upcoming fiscal year. The Finance Committee and Finance Department will closely review State actions that the County and Schools currently have no knowledge of, so adjustments can be made before July 1 to make a commitment to the citizens, as well as agencies and departments the County supports.

Chairman Cuevas recognized Dr. Oskar Scheikl, Rockingham County School Superintendent, to speak regarding the proposed FY 2018-2019 budget.

Dr. Scheikl introduced School Board Vice-Chair Dr. Charlette McQuilken and Chief Financial Officer Cheryl Mast.

Dr. Scheikl pointed out that the relationship between the School Board and Board of Supervisors in Rockingham County is unique. Dr. Scheikl said he mentioned the relationship between the Rockingham County School Board and the Rockingham County Board of Supervisors during a presentation he and School Board Member Dan Breeden provided at a Virginia School Board Association meeting. Attendees from other counties indicated it does not work that way in their jurisdictions. Dr. Scheikl informed them that the Board of Supervisors and School Board have developed relationships over the long term and approach things by working together.

When talking about funding shortfalls, Schools look at the State funding for education that has decreased over the last 10 years. Dr. Scheikl said the Board of Supervisors has stepped up and provided funding for the school division.

Schools requested additional funds for the upcoming fiscal year for the digital conversion and commitment to vocational education at Massanutten Technical Center. The requested amount may be reduced if digital conversion costs are lower than budgeted and more state funding is received than anticipated. They will have ongoing meetings with the County to discuss the details. Dr. Scheikl said the support from the Board is greatly appreciated and does not go unnoticed. The Board has always stepped up and that is why the Rockingham County school division is so strong. Dr. Scheikl thanked the Board again for their support.

Chairman Cuevas called on the citizens who signed up to speak on the budget.

Elisabeth Orebaugh, President of Hose Company No. 4, Inc. Volunteer Fire Department, thanked the Board for their continued support and expressed appreciation for the new engine they recently received. Ms. Orebaugh stated that Hose Company No. 4 would prefer to be self-sufficient but volunteerism is down nationwide. The Volunteer Fire Department has been in operation 127 years and they look forward to the joint venture with the new fire and rescue station. Ms. Orebaugh indicated Hose Company No. 4 is in support of the budget.

Mark Camner from Friendship Industries was in attendance with George Homan. He thanked the Board for their continued support on behalf of the 140 Friendship Industries employees, particularly support of their transportation request and grant. Mr. Camner said Friendship Industries provides 6,500 round trips annually to transport their employees. The employees learn work skills to support the growth of the County in coming years, he said.

Penny Imeson, President/Director of the Harrisonburg-Rockingham Historical Society thanked the Board for their support over the years and said their organization is delighted to be included in the budget again. They continue to be committed to preserving local history and providing more opportunities to share within the community and with visitors. The Historical Society is refreshing their museum field trip program and developing digital interactive exhibits to parallel the Virginia studies curriculum. Ms. Imeson indicated the resources at the museum are an ideal field trip and tourist destination. She said history brings all subjects together, encourages engaged citizens and inspires leadership. People are attracted to communities that preserve cultural heritage, and history is essential for the community and our future. She ended by thanking the Board for valuing history.

Charles Whetzel indicated he has worked with the Board for years on behalf of the Rockingham County Fair Association. He said the fair is an essential part of the County and a positive experience for local youth, who are able to earn money by selling their animals. Mr. Whetzel said the Fair Association appreciates the Board's support.

Jeff Germroth, President of the Rockingham County Fair Association, said as a County taxpayer, he appreciates the County presenting a solid financial budget. He noted the Fair Association is a 51-member, civic-owned organization, and said the Fair showcases the County's agriculture to over 80,000 fair attendees. He expressed appreciation for Fire Chief Holloway's assistance with public safety during Fair week. Mr. Germroth thanked the Board for supporting the County Fair in the past and said he looks forward to their guidance and support in future.

Beth Bland, Regional Director of Senior Services for Valley Program for Aging Services (VPAS) in Harrisonburg and Rockingham County, expressed appreciation to the Board for the support received over the years. She noted the requested funds will provide in-home and community-based services to support independent living for residents 60 years and older. This past year, there was an increase in the number of people utilizing a variety of services provided by VPAS. VPAS plans to continue providing excellent in-home and community-based services to help the most vulnerable older neighbors to live safely, with dignity and choice. Ms. Bland noted the UVA Weldon Cooper Center predicts that in two years, Rockingham County will have over 22,000 residents over the age of 60; that is 27.4 percent of Rockingham County's total population. She indicated the community must work together to meet the needs of senior citizens. She thanked the Board for their past support and consideration of VPAS' current request.

At 7:02 p.m., Chairman Cuevas closed the public hearing.

Chairman Cuevas expressed appreciation to Jim Junkins and his staff at the Emergency Communications Center for the work they do to take care of the public's needs in the community.

Chairman Cuevas said it is getting harder to find people willing to serve in government. He appreciates the committees and commissions in the local government. Chairman Cuevas stated it is unfortunate that a Board member is unable to continue his term on the Board due to health issues. However, Chairman Cuevas was impressed that 11 applications were received from County citizens interested in volunteering their time to fill the District 2 Supervisor position for a six-month period until the next election.

Chairman Cuevas thanked the citizens in the audience for attending the budget public hearing. He again thanked County staff for assisting the Board to ensure the betterment of Rockingham County.

At 7:07 p.m., Chairman Cuevas closed the public hearing.

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ADJOURNMENT.

Chairman Cuevas declared the meeting adjourned at 7:08 p.m.

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Chairman