STAFFORD Virginia

16

BOARD OF SUPERVISORS
Agenda Item

Meeting Date:	March 17, 2015
Title:	Consider Amendments to the County's Pump and Haul Policy
Department:	Utilities
Staff Contact:	Mike Smith, Director
Board Committee/ Other BACC:	Infrastructure Committee; Utilities Commission
Staff Recommendation:	Approval
Budget Impact:	See Background Report
Time Sensitivity:	See Background Report

ATTACHMENTS:

1.	Background Report	5.	Non-Subsidized Non-Pump & Haul Customers
2.	R06-240 dtd September 5, 2006	6.	Proposed Resolution R15-115
3.	R06-339 dtd September 5, 2006	7.	Proposed Resolution R15-106
4.	Subsidized Pump & Haul Customers		

	Consent Agenda		**Other Business**	X	**Unfinished Business**
	Discussion		**Presentation**		**Work Session**
	New Business		**Public Hearing**		**Add-On**

REVIEW:

X	County Administrator	
X	County Attorney	

DISTRICT:	All

Attachment 1
R15-106

BACKGROUND REPORT

The County currently has two pump and haul programs (Programs): subsidized, approved by Resolution R06-240; and non-subsidized, approved by Resolution R06-339. In February, 2013, the Board requested that the Infrastructure Committee consider changes to the subsidized portion of the Program. The Infrastructure Committee referred the Programs to the Utilities Commission to consider changes to the overall policy and to hold a public hearing. Over the past two years, the Utilities Commission has worked to revise the Programs.

On December 9, 2014, after two public hearings and several sub-committee meetings, the Utilities Commission approved a policy (5-0, Mr. Harris and Mr. Howard were absent) (Revised Program), which combined the subsidized and non-subsidized Programs, and addressed the long-term liability of adding additional subsidized properties to the Programs.

The Utilities Commission proposed a policy that identified current customers as "grandfathered customers," and permitted them to remain in the Revised Program indefinitely, with the current rates approved by the Board. The Revised Program also changed the criteria for new additions to the subsidized Program. The Revised Program also proposes adding new applicants to the County's pump and haul permit as non-subsidized customers, unless their annual gross household income is within 300% of the Federal poverty guidelines. According to the 2015 Poverty Guidelines, an income of $11,700 is the poverty threshold for a one person household. Each additional person in the household raises the income required to be above the poverty level by $4,160. For example if a family of four had a household income of $24, 520 they would be considered to be at the poverty level. In order for that household to qualify for a subsidy in this program, the household income would need to be less than $71,108 to receive a 10% subsidy (290% of Poverty Guideline). If the applicant's income is within the prescribed guidelines, they will be identified as a "prorated" customer, and would be eligible for a subsidy to the actual cost of hauling sewage from their residence at the rate shown below:

Percent of Poverty Guidelines * Percent Subsidy	
Family Size	Provided
200% or less	100%
210%	90%
220%	80%
230%	70%
240%	60%
250%	50%
260%	40%
270%	30%
280%	20%
290%	10%
300% or more	0%

* As issued each year in the *Federal Register* by the U.S. Department of Health and Human Services

The Utilities Commission also directed staff to evaluate the current "grandfathered customers" to ensure they meet the criteria for the subsidized Program, and that there is no alternate system available. Approval was recommended to be assigned to the County Administrator, with an option to appeal to the Utilities Commission and Board of Supervisors, and with outlined fees, charges, and subsidies for the "grandfathered customers."

On March 3, 2015, the Revised Program was presented to the Infrastructure Committee. The Infrastructure Committee recommended limiting the "grandfathered customers" to five years from the effective date of the approved revisions, after which time they can remain on the County's pump and haul permit as non-subsidized customers, or as "prorated" customers, if they qualify.

To ensure that the Board is kept up to date with the Revised Program, staff was instructed to add a list of the Pump and Haul customers to the Board's Monthly Report. The Infrastructure Committee also requested that staff amend the Revised Program to ensure that the subsidies did not permit the "prorated" customers to pay less than the "grandfathered customers." The "grandfathered customers" currently pay approximately 10% of the actual cost of hauling. Therefore, the subsidies were adjusted as follows:

Percent of Poverty Guideline * Percent Subsidy	
For Family Size	Provided
200% or less	Grandfathered rated based on gallons
210%	90%
220%	80%

The Infrastructure Committee recommended the policy eliminate the "grandfathered customer" category after five years. The "grandfathered customers" could remain on the County's pump and haul permit; however they would only be eligible for a subsidy if they met the prorated income guidelines. When the "grandfathered customer" category is eliminated, it will result in a savings of approximately $65,000 per year, and will increase the cost for these services for the customer. Currently, the average cost to the "grandfathered customer" is $20 - $25 per month, and the cost to the County is $200 - $250 per month per customer. The maximum monthly charge paid by a customer over the last three years was $88.00 for 8,800 gallons pumped, which cost the County $750. Once the five-year extension ends, the customer will pay the entire amount directly to the hauler if they are not eligible for a prorated subsidy.

Proposed Resolution R15-106 incorporates the Infrastructure Committee's recommendations (**in red**) into the Revised Program. Proposed Resolution R15-106 will not change the rate structure, since the "grandfathered" rates will remain the same, and the prorated subsidies will be a reimbursement to the customer after they have paid the hauler. A list of the pump and haul customers can be found in Attachments 4 and 5.

Proposed Resolution R15-106, if adopted by the Board, would replace R06-240 (Attachment 2) and R06-339 (Attachment 3) with a combined Revised Pump and Haul Program as recommended by the Utilities Commission and amended by the Infrastructure Committee.

Amendments to this Program do not require a public hearing. However, due to possible public concern about the proposed amendments, the Board may wish to consider holding a public hearing. If the Board wishes to hold a public hearing, proposed Resolution R15-115 (Attachment 6) authorizes the County Administrator to advertise a public hearing for consideration of the amendments to the County's Pump and Haul Program.

Attachment 2

R06-240
R98-29(R-3)

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 5th day of September, 2006:

MEMBERS:	VOTE:
Robert C. Gibbons, Chairman	Yes
Jack R. Cavalier, Vice Chairman	Yes
M. S. "Joe" Brito	Yes
Mark Dudenhefer	Yes
Peter J. Fields	Yes
Paul V. Milde, III	Yes
George H. Schwartz	Yes

On motion of Mr. Fields, seconded by Mr. Cavalier, which carried by a vote of 7 to 0, the following was adopted:

A RESOLUTION TO REVISE THE POLICY FOR PUMP AND HAUL SEWER SERVICES

WHEREAS, there currently exists in the County residential dwellings and places of worship with malfunctioning on-site septic disposal systems; and

WHEREAS, these systems are a hazard to public health; and

WHEREAS, the County is required to address public health problems; and

WHEREAS, the County desires to adopt a Pump and Haul Sewer Service Policy to address public health problems caused by malfunctioning on-site disposal systems; and

WHEREAS, the County desires to provide temporary pump and haul sewer service for properties planned to be serviced by Sewer Extension Projects; and

WHEREAS, the Utilities Commission has recommended adoption of this revision;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of September, 2006, that the following policy be and it hereby is adopted for providing pump and haul sewer service:

1. The objectives of this Policy are:

   A. To provide for the public health needs of the citizens of the County;

   B. To provide ~~a cost effective solution~~ an emergency means of wastewater disposal for those owner occupied residential ~~property owner's~~ dwellings and places of worship that have failing on-site sewage systems ~~and~~ that are a hazard to public health.

   C. To provide a solution for the County to abate a hazard to public health when it will be more cost effective to subsidize a pump and haul sewer service than to extend public sewer.

   D. To provide a solution for existing public health problems caused by failed on-site systems that will not encourage growth on adjacent properties.

   E. To provide an interim solution to failed on-site systems until it is cost effective to extend public sewer service.

2. The Policy includes the following elements:

   A. The property owner of a failing on-site sewage disposal system is responsible for working with the ~~State Health Department~~ Virginia Department of Health (VDH) to investigate all on-site alternatives for correction of the problem.

   B. Only those existing owner-occupied residential ~~properties~~ dwellings and places of worship for which ~~the State Health Department~~ VDH certifies in writing that no "technically feasible" alternatives for repair of their systems are available would be eligible for the pump and haul service.

   C. No property owner shall be eligible for pump and haul services if the problem, as determined by the Utilities Commission, is self-inflicted, such as failure to pump out the septic tank on a regular basis, avoidable damage to the reserve drainfield site, etc.

   ~~C.~~D. The property owner and the County shall enter into a contract for services for a period not-to-exceed 10 years. The contract shall be transferable to the new owner, upon approval of the County, if the

property is sold. The construction permit for the storage facility will be conditional upon the property owner recording it with the Deed to the property.

E. The County may renew the contract for services for another 10-year period or less if there is no feasible means of repairing the failed drainfield. Prior to the expiration of the contract, the County may hire an AOSE to reevaluate the situation with the goal of determining if new technology or revised regulations can make a repair feasible. If a repair is deemed feasible, the County will so inform the owner, and discontinue pump and haul services after a suitable period, not-to-exceed 6 months, for the owners to construct the needed repair. Upon request, any owner whose pump and haul contract is not renewed shall be entitled to a refund of the original availability and construction fees paid.

~~D.~~F. The County will have the property added to its permanent pump and haul permit from the ~~State Health Department~~ VDH.

~~E.~~G. The property owner must obtain a storage facility construction permit from the ~~State Health Department~~ VDH. The property owner will be required to install a new watertight 2,000-gallon storage tank that is accessible for pumping. The tank will be required to have an alarm to indicate when it is almost full and must be constructed so as not to overflow.

~~F.~~H. In some cases, it may be possible to have the pump and haul on a seasonal basis. In other cases, after several years have elapsed, the drainfield may recover its usefulness and could be used again. In both cases, ~~State Health Department~~ VDH approval would need to be obtained before the drainfield could be used. A valve and/or overflow device would have to be installed to allow the alternate system to be used.

~~G.~~I. The County will administer the pump and haul services. These services will be procured from an outside contractor. Each property owner will be billed on a monthly basis for the services received in accordance with rates established by the Board.

~~H.~~J. The homeowner is responsible to have water saving devices installed on the building plumbing before the pump and haul services begin.

~~I.~~K. The property owner may not expand and/or modify the existing structure. Exceptions to this policy require approval on a case by case basis by the Utilities Commission and the Board.

~~J.~~L. The property owner would be responsible for the following fees and charges in accordance with rates established by the Board.

(1) Availability Fee: The fee will pay for wastewater treatment and shall be the same as all other new customers pay for wastewater treatment. When public sewer is extended to property in the future, this fee will be credited toward any availability fees that are due at the time.

(2) Connection Charge: This fee shall be the same as all other new customers pay when the County provides connection to the sewer main.

(3) Monthly charges that shall include a demand charge, a service fee, and a consumption fee that is commensurate with current user fees for small volumes of wastewater but will be structured to encourage users to generate a lesser demand for service.

~~K.~~M. The County may extend public sewer service to an area when there are sufficient pump and haul facilities in the area to warrant the public service. The decision to extend public sewer will be based on the cost effectiveness of the extension and the impact on growth in the County. The Utilities Commission and the Board shall review the Pump and Haul Sewer Service Policy annually and make appropriate revisions, as necessary, and determine areas where it may be cost effective to extend sewer mains to eliminate pump and haul services.

~~L.~~N. If a Sewer Extension Project has been approved under the County's Water and Sewer Line Extension Policy ~~R03-03/R94-122(R)~~ R04-217/R94-122(R-3), temporary pump and haul service may be provided as follows:

(1) The Sewer Extension Project must be scheduled for completion within twelve (12) months of the request for pump and haul service.

(2) In lieu of being added to the County's pump and haul service, and under paragraph ~~2D~~ 2H of this policy, the property owner must obtain a temporary pump and haul permit from the Health Department.

(3) In lieu of constructing a 2000-gallon storage tank under paragraph 2H of this policy, the existing on-site facilities may be utilized, provided they are of sufficient capacity.

(4) The property owner shall pay the charges required in paragraphs 2I and 2L and comply with the remaining provisions of the policy.

(5) If the contemplated Sewer Extension Project is delayed beyond twelve (12) months, the County may place the property on the permanent pump permit, require the construction of a 2000-gallon holding tank and enter into a revised contract for services with the owner. The Public Utilities Administrator may terminate service if the property owner fails to comply with these requirements.

(6) The Public Utilities Administrator may approve temporary pump and haul service for properties planned to be served by Short Extension Projects constructed under adopted Resolutions ~~R03-03/R94-122R~~ R04-217/R94-122(R-3). Authorization by the Board is required to provide temporary pump and haul services for properties planned to be served by Neighborhood Projects, Large Scale Projects, and Capital Improvement Program Projects.

O. Parcels whose original on-site sewage disposal system was constructed after August 19, 1997 are not eligible for either Permanent or Temporary Pump and Haul.

A Copy, teste:

Steve Crosby
County Administrator

SC:REB:DA:cdg

R06-339

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 5th day of September, 2006:

MEMBERS:	VOTE:
Robert C. Gibbons, Chairman	Yes
Jack R. Cavalier, Vice Chairman	Yes
M.S. "Joe" Brito	Yes
Mark Dudenhefer	Yes
Peter J. Fields	Yes
Paul V. Milde, III	Yes
George H. Schwartz	Yes

On motion of Mr. Fields, seconded by Mr. Cavalier, which carried by a vote of 7 to 0, the following was adopted:

A RESOLUTION TO ESTABLISH A POLICY FOR PUMP AND HAUL SEWER SERVICE FOR NON-RESIDENTIAL CUSTOMERS

WHEREAS, Resolution R98-29 established a policy pertaining to the use of pump and haul services to provide sewer services to existing residences where there is no feasible alternatives for repair of failed on-site sewage disposal systems and where it is not cost effective to extend public sewer; and

WHEREAS, there currently exist in the County property owners who do not meet the criteria for subsidized pump and haul services, but for which there is no feasible means of on-site or public sewage disposal; and

WHEREAS, there currently exist in the County property owners who would otherwise be eligible for subsidized pump and haul service, but who would not qualify for subsidized pump and haul rates; and

WHEREAS, only the County can obtain a Virginia Health Department permit for permanent pump and haul services in the County; and

WHEREAS, the County desires to augment the existing Pump and Haul Policy to extend the County's permitted authority to utilize the pump and haul method of sewage disposal to certain additional property owners; and

WHEREAS, the Utilities Commission has recommended adoption of the amendment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford Board of Supervisors on this the 5th day of September, 2006, that the following policy be and it hereby is adopted for permitting additional pump and haul sewer services:

1. The objects of this policy are:

   A. To provide for the public health needs of the citizens of Stafford County.

   B. To provide a sewage disposal alternative to those property owners who have no other feasible means of sewage disposal and who do not qualify for <u>or desire not to participate</u> in the County's current <u>subsidized</u> Pump and Haul Policy.

   C. To provide a solution to those non-residential property owners who have failing on-site sewage systems and are a hazard to public health.

   D. To provide a method of sewage disposal for existing public health problems on non-residential properties that will not encourage growth on adjacent properties.

   E. To provide an interim means of sewage disposal until it is cost effective to extend public sewer service.

2. The policy includes the following elements:

   A. The property owner of a failing on-site sewage disposal system is responsible for working with the Virginia Department of Health to investigate all on-site alternatives for sewage disposal.

   B. Only those properties with existing structures with a history of occupation for which the Virginia Department of Health certifies in writing that no "feasible" means of on-site sewage disposal exists, and the County Department of Utilities finds that extension of public sewer

at the property owner's expense is not cost effective, are eligible to be placed on the County's Pump and Haul permit. New structures will not be considered unless they are being used for the direct marketing of aquaculture, agricultural or silvacultural products <u>or unless they are commercial, industrial or instructional uses and public sewer is anticipated to become available in the near future.</u>

C. The County and property owner shall enter into a contract governing conditions under which the property will be added to the County's Pump and Haul permit. As a minimum, the contract shall grant the County the right to enter the property to inspect facilities related to sewage holding and disposal, and require the property owner to submit evidence that the holding tank is being pumped on a regular basis. The contract shall be transferable to a new owner as the property is sold. The construction permit for the sewage facility shall be conditional upon the property owner recording it with the deed to property.

D. The property owner must obtain a storage facility construction permit from the Virginia Department of Health. The property owner will be required to install, at his or her sole expense, a new watertight 2,000-gallon storage tank, which is accessible for pumping. The tank shall be equipped with an alarm system to indicate when it is almost full and shall be constructed as to not overflow. All sewage generated on the property shall be discarded in the holding tank.

E. Upon certification from the Virginia Department of Health that the 2,000-gallon storage tank has been satisfactory completed, the County will add the property to its permanent Pump and Haul Permit with the Virginia Department of Health.

F. The property owner is responsible for the administration and cost of pumping the storage tank in accordance with all applicable regulations. All property owners are responsible for ensuring that no sewage overflows from the tank or plumbing system.

G. The property owner may not expand and/or modify the existing structure. Exceptions to this policy require approval on a case by case basis by the Utilities Commission and the Board of Supervisors.

H. The County may assess an annual administrative charge for the Department of Utilities to monitor conformance with terms of the contract.

I. Should the Virginia Department of Health revoke or amend the County's Pump and Haul Permit, the County may require termination or changes to each property owner's contract.

J. Under the following circumstances, the County may, without prior notice, remove the property from its Pump and Haul Permit: 1) the property owner fails to supply the County with proof that the storage tank is being regularly and legally pumped out; 2) the County becomes aware of sewage overflows or other discharges to the environment; or 3) County officials are denied access to the property for the purpose of inspection.

K. The County will remove the property from its Pump and Haul permit if public sewer becomes available to the property.

BE IT FURTHER RESOLVED that the preceding policy be and it hereby is adopted for permitting additional pump and haul services.

A Copy, teste:

Steve Crosby
County Administrator

SC:REB:cdg

Pump and Haul Subsidized Customers

	Customer Address		Election District
		Active	
1.	111	Autumn Drive	Rockhill
2.	304	Chapel Green Rd	George Washington
3.	73	Chapel Heights Dr	George Washington
4.	94	Cranes Corner Rd	Falmouth
5.	113	Fence Post Road	Rockhill
6.	46	Greenleaf Terrace	Rockhill
7.	48	Greenleaf Terrace	Rockhill
8.	30	Hidden Springs Ln	Aquia
9.	113	Kelsey Road	Hartwood
10.	7	Lorenzo Drive	George Washington
11.	1209	Mountain View Rd	Hartwood
12.		4 Peaceful Ct	Rockhill
13.	9	Rosedale Drive	Rockhill
14.	9	Rosehaven St	Rockhill
15.	366	Tacketts Mill Rd	Hartwood
16.	25	Virginia Avenue	Falmouth
17.	37	W. Briar Drive	Rockhill
18.	623	White Oak Rd	George Washington
19.	703	White Oak Rd	George Washington
20.	707	White Oak Rd	George Washington
21.	1006	White Oak Rd	George Washington
22.	518	Widewater Road	Griffis-Widewater
23.	69	Woodrow Drive	Griffis-Widewater
24.	71	Woodrow Drive	Griffis-Widewater
		Inactive	
25.	183	Van Horn Lane	Rockhill
		Temporary	
26.	520	Deacon Rd	Falmouth
27.	9	Ethyl Lane	George Washington
28.	11	Ethyl Lane	George Washington

Pump and Haul
Non-Subsidized Customers

	Name	Address
1a	Stafford Regional Airport	75 Aviation Way (Temp Terminal)
1b	Stafford Regional Airport	143 Aviation Way (T-Hangar)
1c	Stafford Regional Airport	115 Aviation Way (Air Lifenet)
1d	Stafford Regional Airport	Corporate Hangar C-1
2	Private Residence	181 Flippo Road(private residence)
3	Thompson's Farm Market	1193 Jeff. Davis Hwy.
4	Vulcan Materials	1012 Garrisonville Road
5	Aquia Landing Park	2846 Brooke Road
6	Decatur Crab House	6 Decatur Road
7	Randall Equipment	49 RV Parkway
8	Patawomeck Park	25 Rectory Lane
9	Mallard Road	(Single Family Home)
10	Mt. Hope Baptist Church	1634 Brooke Road
11	Potomac Pointe Winery	275 Decatur Road
12	Private Residence	213 Toluca Road
13	Living Hope Lutheran Church	Parcel 28-117
14	Private Residence	29 Mynell Street
15	Private Residence	51 DeShields Ct

[1]Inactive pending contract and tank construction

Attachment 6

R15-115

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon Government Center, Stafford, Virginia, on the 17th day of March, 2015:

MEMBERS:	VOTE:
Gary F. Snellings, Chairman	
Laura A. Sellers, Vice Chairman	
Meg Bohmke	
Jack R. Cavalier	
Paul V. Milde III	
Cord A. Sterling	
Robert "Bob" Thomas, Jr.	

On motion of, seconded by, which carried by a vote of to, the following was adopted:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE COUNTY'S PUMP AND HAUL PROGRAM

WHEREAS, Resolution R06-240 revised the County's established policy pertaining to the use of pump and haul services to provide sewer service to existing residences at the subsidized rate, when there are no feasible alternatives for repair or replacement of failed on-site sewage disposal systems, and it is not cost-effective to extend public sewer; and

WHEREAS, Resolution R06-339 established a similar policy to address property owners with failed on-site sewage disposal systems, but who did not qualify for the subsidized pump and haul services provided under Resolution R06-240; and

WHEREAS, the County desires to consider combining these two policies into one program; and

WHEREAS, the County desires to maintain a Pump and Haul Sewer Service Policy to address public health problems caused by malfunctioning on-site sewage disposal systems; and

WHEREAS, the County desires to continue to permit temporary pump and haul sewer service for properties planned to be served by proposed sewer extension projects; and

WHEREAS, the Utilities Commission recommended adoption of the proposed amendments to the County's current Pump and Haul policy; and

WHEREAS, the Board desires to hold a public hearing to receive public testimony, if any, on the proposed amendments to the County's current Pump and Haul policy;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of March, 2015, that it be and hereby does authorize the County Administrator to advertise a public hearing to consider the proposed amendments to the Pump and Haul policy.

AJR:MTS:cdg

R15-106

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 17th day of March, 2015:

MEMBERS: VOTE:
Gary F. Snellings, Chairman
Laura A. Sellers, Vice Chairman
Meg Bohmke
Jack R. Cavalier
Paul V. Milde III
Cord A. Sterling
Robert "Bob" Thomas, Jr.

On motion of, seconded by, which carried by a vote of to, the following was adopted:

A RESOLUTION TO AMEND THE COUNTY'S PUMP AND HAUL PROGRAM

WHEREAS, Resolution R06-240 revised the County's established policy pertaining to the use of pump and haul services to provide sewer service to existing residences at a subsidized rate, when there are no feasible alternatives for repair or replacement of failed on-site sewage disposal systems, and it is not cost-effective to extend public sewer; and

WHEREAS, Resolution R06-339 established a similar policy to address property owners with failed on-site sewage disposal systems, but who did not qualify for the subsidized pump and haul services provided under R06-240; and

WHEREAS, the County desires to combine these two policies into one program, thereby repealing Resolutions R06-240 and R06-339; and

WHEREAS, the County desires to continue to maintain a Pump and Haul Sewer Service Policy to address public health problems caused by malfunctioning on-site disposal systems; and

WHEREAS, the County desires to continue to permit temporary pump and haul sewer service for properties planned to be served by proposed sewer extension projects; and

WHEREAS, the Utilities Commission held a public hearing and recommends adoption of these amendments; and

WHEREAS, the Board carefully considered the recommendation of the Utilities Commission and staff; and

WHEREAS, the Board finds that adoption of this Resolution promotes the health, safety, and welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of March, 2014, that Resolution R06-240 and Resolution R06-339 be and they hereby are repealed; and

BE IT FURTHER RESOLVED that the following Pump and Haul Sewer Service policy be and it hereby is adopted for approving pump and haul sewer service for properties with failed on-site sewage disposal systems:

1. <u>Policy Objectives</u>

A. To provide for the public health needs of the citizens of the County

B. To provide an emergency means of wastewater disposal for property owners whose on-site sewage disposal systems have failed and for which there is no other feasible means of sewage disposal

C. To provide a solution for existing public health problems caused by failed on-site systems without encouraging growth on adjacent properties

D. To provide an interim solution to failed on-site systems until it is cost-effective to extend public sewer service

E. To assist citizens with failed on-site sewer systems who are financially unable to bear the full cost of pump and haul services

2. <u>Pump and Haul Classifications</u>

A. <u>Subsidized Pump and Haul Customers</u>

(1) Grandfathered Customers – Customers that have been approved for subsidized pump and haul services before the date of this resolution. These customers will pay the fees as outlined in Section 3.I.

(2) Prorated Customers – Customers that have been approved for subsidized pump and haul services after the date of this resolution. These customers will pay a prorated portion of the actual hauling costs in accordance with the guidelines in Section 3.S.(5) of this policy.

(3) Temporary Customers – Customers who meet the guidelines in Section 3.O of this policy.

B. Non-Subsidized Pump and Haul Customers – Property owners who have no feasible means of sewage disposal and who do not qualify for, or do not desire to participate in the subsidized pump and haul program, but would still like to be included on the County's Pump and Haul permit.

3. <u>Policy Elements for Subsidized Customers</u>

A. All Grandfathered Customers shall be eligible to remain in this program for five years after the effective date of this resolution, if there is no alternative available and they continue to meet the requirements of the subsidized program as outlined in Section 3.E of this policy. The County will review each property to ensure it meets the requirements listed in Section 3.E of this document. If the property does not meet the requirements, it will be removed from the subsidized pump and haul list and will be added to the non-subsidized pump and haul list. If after five years there is no alternative available, the property will be permitted to continue on the County's pump and haul permit with the Board approved prorated subsidies.

B. The County will hire, within two years of the effective date of this resolution, at its expense, a licensed Authorized On-site Soil Evaluator (AOSE) to re-evaluate each Grandfathered Customer subsidized pump and haul property with the goal of determining if new technology or revised regulations can make a repair or replacement feasible. If a repair or replacement is deemed feasible, the County will inform the owner and discontinue subsidized pump and haul services after a suitable period, not to exceed 6 months, for the owner to construct the needed repair or replacement. Upon request, any owner whose pump and haul contract is not renewed shall be entitled to a refund of the original availability fee paid. The property owner will be required to sign a new contract for pump and haul service for subsequent 10-year periods, or less, if there continues to be no feasible means of repairing or replacing the failed drainfield. The customer will also be required to provide proof that the pump and haul contract has been recorded with the Circuit Court, linking it to the property.

C. Properties whose original on-site sewage disposal system was constructed after August 19, 1997, are not eligible for subsidized pump and haul services.

D. New applicants for pump and haul service are responsible for working with the Virginia Department of Health (VDH) and a licensed AOSE to investigate all on-site alternatives and technically feasible off-site alternatives for correction of the problem.

E. The County Administrator, or his designee, may approve a property meeting the following criteria for subsidized pump and haul service:

(1) VDH must certify in writing that there are no technically feasible conventional on-site alternatives for replacement or repair of the failed system or installation of a new system;

(2) A licensed AOSE must certify in writing that there are no technically feasible on-site alternative systems for sewage disposal;

(3) The property owner must demonstrate that there are no technically feasible and practicable off-site alternatives for a sewage disposal system;

(4) There must be no feasible opportunity for use of a direct discharge system;

(5) The property owner must have submitted an application for Pump and Haul Service to the Department of Utilities, and both the Department of Utilities and the Utilities Commission must have recommended approval of the application; and

(6) It must be an owner occupied residential dwelling or place of worship.

; or

(7) Temporary pump and haul customers who meet the requirements outlined in Section 3.O of this policy.

F. If a property is determined to qualify for subsidized pump and haul service, the property owner must obtain a storage facility construction permit from VDH. The property owner will be required to install a new watertight 2,000-gallon storage tank that is accessible for pumping. The tank will be required to have an alarm to indicate when it is almost full and must be constructed to prevent any overflows. The construction permit for the storage facility will be conditioned upon the property owner recording with the Circuit Court attached to the Deed of the property, the construction permit for the tank and the fact that the property is on pump and haul.

G. The property owner and the County shall enter into a contract for services for a period not to exceed ten (10) years. If the property is sold, the contract shall be transferable to the new owner, upon approval of the County.

H. Upon certification from VDH that the 2,000-gallon storage tank has been satisfactorily completed, the County will have the property added to its Pump and Haul permit from VDH.

I. Subsidized pump and haul customers (Grandfathered, Temporary and Prorated) shall be responsible for the following fees and charges in accordance with rates established by the Board:

(1) Availability and Connection Charge: These fees shall only become payable should public sewer become available, and the property is physically connected to the public sewer system. The amount of the fees shall be the fees in existence at the time actual connection to the public sewer is made and shall be the same as all other new customers pay.

(2) User Fees: Monthly charges that shall include a demand charge, a service fee, and a consumption fee. The consumption fee will be based on the pump and haul monthly service charge as determined by the Board of Supervisors on the Utility Rate Schedule for Grandfathered Customers and Temporary subsidized customers, it will be based on the prorated actual cost for Prorated subsidized customers as outlined in Section 3.S.(5) of this policy.

(3) The County may assess an annual administrative charge for the Department of Utilities to monitor conformance with the terms of the pump and haul contract.

J. In some cases, it may be possible to use pump and haul on a seasonal basis. In other cases, after several years have elapsed, the drainfield may recover and could be used again. In both cases, the property owner must obtain VDH approval prior to resuming use of the drainfield. In addition, a valve and/or overflow device would have to be installed to allow any water backing up from the on-site septic tank to flow to the 2,000-gallon storage tank.

K. The property owner is responsible for the scheduling and cost of pumping the storage tank in accordance with all applicable regulations. In addition, the property owner is responsible for ensuring that no sewage overflows from the tank or plumbing system occur.

L. The property owner is responsible for having water saving devices installed on the building plumbing before the pump and haul services begin.

M. The property owner may not expand and/or modify the existing structure unless such expansion or modification is approved, in advance, by the Utilities Commission and the County Administrator.

N. The County may choose to extend public sewer service to an area when there are sufficient pump and haul properties in the area to warrant the public service. The decision to extend public sewer will be based on the cost-effectiveness of the extension and the impact on growth in the area.

The Utilities Commission shall review the Pump and Haul Sewer Service Policy periodically; make appropriate revisions, as necessary; and determine areas where it may be cost-effective to extend sewer mains to eliminate the need for pump and haul services.

O. If a Sewer Extension Project has been approved under the County's Water and Sewer Line Extension Policy (R04-217/R94-122(R-3)), temporary pump and haul service may be provided as follows:

(1) The Sewer Extension Project must be scheduled for completion within twenty-four (24) months of the request for pump and haul service.

(2) In lieu of constructing a 2000-gallon storage tank under paragraph 3.F of this policy, the existing on-site tank may be utilized if it is watertight and holds at least 1,000 gallons.

(3) The property owner shall pay the charges required in paragraph 2(I) and comply with the remaining provisions of the policy.

(4) If the contemplated Sewer Extension Project is delayed beyond twenty-four (24) months, the County may place the property on its pump and haul permit, require the construction of a 2000-gallon storage tank, and enter into a revised contract for services with the owner. The Director of Utilities may terminate service if the property owner fails to comply with these requirements.

(5) The Director of Utilities may approve temporary pump and haul service for properties planned to be served by Short Extension Projects constructed under adopted Resolutions R04-217/R94-122(R-3). Authorization by the County Administrator is required to provide temporary pump and haul services for properties planned to be served by Neighborhood Projects, Large Scale Projects, and Capital Improvement Program Projects.

P. Should VDH revoke or amend the County's Pump and Haul Permit, the County may require termination of, or changes to, each property owner's contract.

Q. Under the following circumstances, the County may, without prior notice, remove a property from its Pump and Haul Permit:

(1) The property owner fails to supply the County with proof that the storage tank is being regularly and legally pumped out.

(2) The County becomes aware of sewage overflows or other discharges to the environment.

(3) County officials are denied access to the property for the purpose of inspection.

(4) The property no longer meets the criteria for subsidized pump and haul.

R. The County will remove the property from its Pump and Haul permit if public sewer becomes available to the property.

S. Subsidies provided by the County for Pump and Haul Costs

(1) In some instances, the County may, with approval from the Board, provide a subsidy covering some, or all, of the property owner's cost to install the required 2,000 gallon storage tank and to have the storage tank pumped out. Subsidies are only available for owner-occupied properties.

(2) For prorated subsidized pump and haul customers, the degree to which the costs for pump and haul are subsidized by the County shall be based upon the relationship of the documented gross annual income of the applicant and immediate family living in the home, as reflected on the most recent Federal tax return(s), to the current poverty level income for the family size as reported by the U. S. Department of Health & Human Services and published annually in the *Federal Register*.

(3) The prorated customer will be responsible for payment to the septage hauler at the time the tank is pumped. The customer will then be required to submit to the Utilities Department receipts of the actual amount hauled and paid to receive the allotted subsidy. Receipts must be submitted to the County between the first and tenth of each month for the prior month's pumping. The Utilities Department will remit the subsidy to the customer within 30 days of receipt of the paid invoices.

(4) No property owner shall be eligible for pump and haul services if the problem, as determined by the Utilities Commission, is self-inflicted, such as failure to pump out the septic tank on a regular basis, avoidable damage to the reserve drainfield site, or similar causes for failure.

(5) The amount of any subsidy provided for Prorated pump and haul customers will be determined as follows:

Percent of Poverty Guidelines * Percent Subsidy	
Family Size	Provided
200% or less	100%
210%	90%
220%	80%
230%	70%
240%	60%
250%	50%
260%	40%
270%	30%
280%	20%
290%	10%
300% or more	0%

* As issued each year in the *Federal Register* by the U.S. Department of Health and Human Services

T. If an applicant is not approved for subsidized pump and haul, or does not agree with the amount of subsidy, he may, within ten (10) days of the date of notification of such a decision, appeal the decision to the Board, through the Utilities Commission. Such appeal shall be made in writing to the Director of Utilities and shall state the specific act or interpretation which is being appealed.

4. Policy Elements for Non-Subsidized Pump and Haul Permits

A. The property owner of a failing on-site sewage disposal system is responsible for working with VDH to investigate all on-site alternatives for sewage disposal.

B. Only those properties with existing structures with a history of occupation for which VDH certifies in writing that no "feasible" means of on-site sewage disposal exists, and the County Department of Utilities finds that extension of public sewer at the property owner's expense is not cost effective, are eligible to be placed on the County's Pump and Haul permit. New structures will not be considered unless they are being used for the direct marketing of aquaculture, agricultural or silvacultral products or unless they are commercial, industrial or instructional uses and public sewer is anticipated to become available in the near future.

C. Upon certification from VDH that the 2,000-gallon storage tank has been satisfactory completed, the County Administrator, or his designee, may add the property to its permanent Pump and Haul Permit with VDH.

D. The County and property owner shall enter into a contract governing conditions under which the property will be added to the County's Pump and Haul permit. At a minimum, the contract shall grant the County the right to enter the property to inspect facilities related to sewage holding

and disposal, and require the property owner to submit evidence that the holding tank is being pumped on a regular basis. The contract shall be transferable to a new owner as the property is sold. The construction permit for the sewage facility shall be conditional upon the property owner recording it with the deed to the property.

E. The property owner must obtain a storage facility construction permit from the VDH. The property owner will be required to install, at his or her sole expense, a new watertight 2,000-gallon storage tank, which is accessible for pumping. The tank shall be equipped with an alarm system to indicate when it is almost full and shall be constructed as to not overflow. All sewage generated on the property shall be discarded in the holding tank.

F. The property owner is responsible for the administration and cost of pumping the storage tank in accordance with all applicable regulations. All property owners are responsible for ensuring that no sewage overflows from the tank or plumbing system.

G. The property owner may not expand and/or modify the existing structure. Exceptions to this policy require approval on a case by case basis by the Utilities Commission and the Board of Supervisors.

H. The County may assess an annual administrative charge for the Department of Utilities to monitor conformance with terms of the contract.

I. Should the VDH revoke or amend the County's Pump and Haul Permit, the County may require termination or changes to each property owner's contract.

U. Under the following circumstances, the County may, without prior notice, remove the property from its Pump and Haul permit:

(1) The property owner fails to supply the County with proof that the storage tank is being regularly and legally pumped out.

(2) The County becomes aware of sewage overflows or other discharges to the environment.

(3) County officials are denied access to the property for the purpose of inspection.

J. The County will remove the property from its Pump and Haul permit if public sewer becomes available to the property.

BE IT FURTHER RESOLVED that the preceding policy be and it hereby is adopted for pump and haul services for properties with failed on-site sewage disposal systems.

AJR:MTS:cdg