RULES AND REGULATIONS

OF THE

RAPPAHANNOCK COUNTY WATER & SEWER AUTHORITY

2014, as amended

These Rules and Regulations supersede and replace all prior rules, regulations and ordinances of the Authority, except that septic tanks and pumps installed prior to the effective date of these Rules and Regulations shall be the property of the Authority, as provided by Section II, paragraph K. 6. of the 1985 Sewer Use Ordinance.

These Rules and Regulations were adopted by the Rappahannock County Water & Sewer Authority, after a duly advertised public hearing in accordance with §15.2-5136 G. of the Code of Virginia, by unanimous vote of its members at a public meeting held on June 12th, 2014 in the Rappahannock County Courthouse, Washington, Virginia, said vote being as follows:

	MOTION BY	SECOND	ABSENT/ ABSTAIN	AYE	NAY
Andrew Haley		X		X	
Richard C. Lessard				X	
David Aldrich				X	
Alexander Sharp	X			X	
Keir A. Whitson			X		

These Rules and Regulations become effective June 30th, 2014 at 12:00 pm, midnight.

The By-Laws shown in Appendix Z were adopted by the Authority on 12 September 2013, and amended 10 October 2013, and have been in effect since those dates.

INDEX

Overview

A. Connecting to the Sewer System

1. General
2. Permit Required
3. Existing Connections
4. Mandatory Connections
5. Discretionary Connections

B. Equivalent Dwelling Units (EDUs)

1. Definition
2. Non-Transferrable
3. Relinquishment of EDUs
4. Active and Inactive EDUs
5. Existing Inactive EDUs

C. Sewer Fees

1. Responsibility for Payment
2. Application Fee
3. Connection Fee
4. Front-Footage Fee
5. Service Fee
6. Inspection Fee
7. Remediation Fee
8. Reconnection Fee
9. EDU Transfer Fee

D. Prohibited Discharges

1. Prohibited Substances

2. Blockages

3. Waivers

E. Billing and Payment

1. Billing Date

2. Due Date

3. Pro Rata Payment on Permit Issuance

4. Connection Fees

5. Front Footage Fees

6. Penalty

7. Interest

8. Allocation of Partial Payments

9. Termination of Service for Non-Payment

10. Liens

11. Abatement on Vacancy

12. Hardship Waivers

13. Notice to Owners

F. Violations

1. Termination of Service

G. Miscellaneous

H. List of Appendixes

Overview: The Rappahannock County Water & Sewer Authority provides sewer service in and around the Village of Sperryville, Rappahannock County, Virginia. It does not provide water. The Service District of the Authority is shown in Appendix D. The Authority was created by the Rappahannock County Board of Supervisors in 1968 to address problems arising from the discharge of raw sewage from businesses and residences into the Thornton River. The Authority constructed and operates a system which collects liquid waste from buildings in the Service District into septic tanks, and then transports the waste through a series of pumps, pipes and mains to a Sewage Treatment Plant, where the waste is treated and then discharged into the Thornton River. This entire system is referred to as the Sewer System. The Authority holds a permit from the Commonwealth of Virginia allowing it to discharge up to 55,000 gallons per day of treated effluent. To maintain that permit, and to insure proper operation of the Sewage Treatment Plant, the Authority must control the type and quantity of liquid waste that enters the Sewer System. In order to do this, by these Rules the Authority establishes a permit system whereby each building sought to be connected to the Sewer System must first obtain a Permit. That Permit will be issued specifically for that building and for the intended use of that building as stated by the applicant, and will allow a certain quantity of waste, measured in units called EDUs, to enter the Sewer System from that building. The Permit may also specify terms and conditions that apply to the waste so that the Sewage Treatment Plant continues to operate properly. Violation of a Permit may result in a building being disconnected from the Sewer System and the imposition of penalties on the property owner.

As of the effective date of these Rules, the property owner bears the burden of connecting to the Sewer System any building for which a Permit has been issued. The property owner is then responsible for the repair, replacement and maintenance of everything they have installed. By prior

arrangement with the Authority, certain repair or maintenance may be performed by the Authority for which the property owner shall be billed.

Fees for its services are set by these Rules and may be changed from time to time by the Authority as allowed by State law.

Connection to the Sewer System may be either Mandatory, for those properties which front on streets or rights-of way containing sewer mains, or Discretionary, for other properties in the Service District.

An Application Fee is charged when a property owner applies for a Discretionary Permit to connect a building to the Sewer System, and there is no guarantee a Permit will be granted as the Authority must consider several factors, set forth in paragraph A. 5., in order to determine if the connection is possible.

For both Mandatory and Discretionary connections, a Connection Fee is charged for each building connected to the Sewer System, based on the uses conducted in the building as shown in Appendix F., in an amount as shown in Appendix A. Depending on the nature and quantity of the waste, additional fees, terms and conditions may be imposed.

Upon issuance of the necessary Permit, a monthly Service Fee, billed quarterly, begins to be charged.

The Authority shall inspect the work performed by the property owner in connecting a building to the Sewer System to insure compliance with these Rules and shall charge an Inspection Fee based on time expended. There are other fees less likely to be charged set forth in these Rules.

The Authority is not a profit-making entity and the members of its governing body are not paid; all fees collected go into the maintenance of the Sewer System and for capital expenditures to keep the Sewer System operating in accordance with the law.

A. Connecting to the Sewer System

1. General Rules for New Connections: For all connections made after the effective date of these Rules (hereafter referred to as "Rules"), it shall be the responsibility of the property owner to install the connection between the main line of the Sewer System, located in a street or right-of-way, and the building to be served; this is referred to as the Service Lateral. All parts of the Sewer System located on private property shall be the responsibility of the owner of that property to install, maintain, repair and replace as necessary. Provided, properties subject to a recorded User Agreement, and already connected to the Sewer System on the effective date of these Rules, shall be governed by that Agreement. The installation, maintenance, repair and replacement of a Service Lateral made after the effective date of these Rules shall be in accord therewith, and shall be subject to inspection and approval by the Authority, for which service the Authority shall charge an Inspection Fee as described in paragraph C. 6. Pumps, pipes and other equipment necessary to connect a building to the Sewer System, and the method and manner of construction, shall be approved by the Authority prior to installation.

2. Permit Required:

(a) No building shall be connected to the Sewer System without first obtaining a Permit from the Authority. As used in these Rules, the term "Permit" refers to such a permit. Thereafter, no discharge shall be made into the Sewer System except in accordance with the terms of said Permit. The Permit shall allow a specific building on a specific property to connect to the Sewer System, and to discharge a specified number of EDUs into the Sewer System, and may

specify the terms and conditions under which such connection and discharge are permitted. The Permit shall be in the form of Appendix C. No Permit shall issue until all fees required by these Rules have been paid. Permits are building specific and cannot be transferred to another building except as provided in paragraph B. 2.; however, they run with the land and are unaffected by change in property ownership. The new owner of a building will be entitled to all rights granted, and be subject to all terms and conditions imposed, by the Permit issued to that building. A new owner shall within 30 days of acquiring title, inform the Authority of their name, mailing and email addresses and telephone number, and that the use of the property as reflected in the Permit will continue, whereupon the Authority will, at no cost to the new owner, issue a replacement Permit, upon the same terms and conditions as the original permit, reflecting the new owner's information. In the event a building is destroyed, by whatever cause, any EDUs assigned by Permit to that building shall likewise be assigned to any replacement building; provided, if the replacement building will discharge waste into the Sewer System different in nature or quantity than the destroyed building, then the Authority may amend the Permit to require new terms and conditions and the payment of additional Connection and Service Fees to accurately reflect the number of EDUs being discharged.

(b) The Authority may condition the approval of any Permit on the property owner's compliance with the terms and conditions stated in the Permit, which may include pre-treatment requirements, in order to insure the applicant's use of the Sewer System is in accord with representations made in the application, with these Rules and with State and Federal law.

(c) Application by a property owner for a Permit to connect a building to the

Sewer System shall constitute consent for the Authority, its members, agents or employees, on prior notice to the owner, to go onto the property on which the building is located, and into the building if it then exists, to test or inspect for anything relevant as to whether the Permit applied for should be issued, and whether any terms and conditions should be attached to the Permit. This shall include the right to inspect any operations or activities being conducted on the property that could result in, or affect, a discharge into the Sewer System. It shall be the applicant's responsibility to provide the Authority with all information necessary for the Authority to evaluate the application.

(d) Flow Meters: Permits issued for commercial uses shall require, and Permits issued for non-commercial uses may require, the owner to install a flow meter and to provide a means for the sampling of effluent prior to its entry into the Sewer System. See paragraph 4 (d) for rules applicable to flow meters and sampling sites.

(e) Change of Use: In the event a Permit has been issued for a particular building and a use conducted within that building changes so to increase the amount of liquid waste discharged into the Sewer System, or to change the nature of the waste, the owner shall apply to the Authority for an amended Permit to reflect the new use and pay the applicable Application Fee, unless waived by the Authority. In the event an owner fails to do this, the Authority may assess or impose additional Connection and Service Fees, surcharges or EDUs retroactive to the date the change in use occurred, which amount shall be due and payable within 30 days of notice of assessment. Further, if the change of use alters the nature of the waste so to require pre-treatment or other restrictions, terms and conditions, the Authority may unilaterally amend the Permit to impose such requirements, which shall become effective

immediately. An owner's failure to comply with any such new requirements, or to pay any newly assessed Connection or Service Fees, shall be deemed a Permit violation and treated under paragraph F. 1.

(f) Separate Connections for Residential and Non-Residential Uses: If the discharge from a building contains wastewater from both residential and non-residential uses, the Authority may require separate Service Laterals for each use.

(g) Separate Connections for Each Building: Each building connected to the Sewer System, whether the connection is Mandatory or Discretionary, shall have a separate Service Lateral; two or more buildings may not share the same Service Lateral. Provided, the Authority may waive this requirement if the second building is an accessory of the other building, such as a garage and a house.

3. Existing Connections: All buildings connected to the Sewer System on the effective date of these Rules shall continue to be connected, and shall have the right to discharge into the Sewer System the number of EDUs assigned to that specific property, building or use, as shown on the Property Matrix maintained by the Authority without obtaining a Permit; provided, such buildings, uses and discharges shall be subject to all other provisions of these Rules, including, but not limited to, those related to Prohibited Discharges and Sewer Fees. If any such authorized discharge increases in quantity, or changes in character, or if a use conducted within a building changes, from that which existed prior to the effective date of these Rules when the EDUs were assigned to the building or property, then the property owner shall apply for a Permit to reflect the change in circumstances, in which case all provisions of these Rules pertaining to Permits shall then be applicable, but the property owner shall not have to pay for EDUs previously purchased. No such building may be

disconnected from the Sewer System without prior consent of the Authority. Any building disconnected from the Sewer System by the owner in violation of this paragraph shall be subject to the Mandatory Connection provisions of the following paragraph 4. and shall have to pay a Connection Fee as shown in Appendix A. A Connection Fee shall not apply if a building is disconnected by the Authority, in which case only a Reconnection Fee shall be charged. This paragraph shall not apply if a building is temporarily disconnected for the purpose of maintenance or repair.

4. Mandatory Connections:

(a) If treatment capacity is available, at the direction of the Authority, the owner of each lot or parcel of land:

(i) which abuts a street, public right of way or an easement which contains the Sewer System owned by the Authority; and,

(ii) upon which a building has been constructed for residential, commercial or industrial use; and

(iii) which has a water supply to the building,

shall connect each such building on the parcel with the Sewer System, and shall cease to use any other method for the disposal of sewage, sewage waste or other polluting matter, except as provided in paragraph (b), below. All such connections shall be made in accordance with these Rules.

(b) Those persons having a private septic system or domestic sewage system meeting applicable standards established by the Virginia Department of Health shall not be required to discontinue the use of such system, but are required to pay to the Authority:

(i) a Connection Fee; and,

(ii) a Front Footage Fee.

This paragraph (b) only applies to such systems as are in use as of the date the Authority notifies the property owner that they are subject to mandatory connection to the Sewer System.[1]

(c) No Application Fee shall be charged for Mandatory Connections.

5. Discretionary Connections:

(a) Any property owner within the Service District who is not subject to the Mandatory Connection rules immediately above, may apply for a Permit to connect a building to the Sewer System on a form as shown in Appendix B. Such application must be signed by all the owners of the property on which the building is, or will be, located. An Application Fee as shown in Appendix A must be paid before the application will be considered complete. The Authority shall apply the following factors in deciding whether to approve the Permit:

- the remaining capacity of the Sewer System;
- the nature and quantity of the proposed discharge into the Sewer System;
- the availability of alternate methods of sewage disposal for the property;
- additional cost to the Authority;
- whether the proposed use of the property is likely to increase the load on the Sewer System over time;
- pre-treatment requirements;
- the allocation of Sewer System capacity among competing applicants;
- the growth policies expressed in the Rappahannock County Zoning

[1] VA CODE §15.2-5137

Ordinance and Comprehensive Plan.

B. Equivalent Dwelling Units (EDUs)

1. Definition: An EDU is the unit used to measure the amount of liquid waste a property owner is permitted to discharge into the Sewer System, and which the Authority is required to treat, and is used to determine the amount of the Connection and Service Fees. An EDU is defined as the amount of liquid waste produced by the average single-family dwelling in a day, and is equal to 150 gallons per day. Therefore, to connect to the Sewer System the normal single-family dwelling will require a Permit for one EDU, and will pay Connection and Service Fees for that one EDU. The number of EDUs assigned to various uses are shown in Appendix F., and the Connection Fees associated therewith are shown in Appendix A. For property uses not listed in Appendix F, upon receiving a written application, the Authority shall assign EDUs for that use based upon the number of EDUs assigned to similar uses.

2. Non-Transferable: EDUs are assigned by Permit to specific buildings and may not be transferred to another building without the consent of the Authority, the payment of an EDU Transfer Fee and the amendment of the appropriate Permit(s). Any EDUs not assigned to a specific building shall be assigned to the Tax Map Parcel shown on the Property Matrix and may not be transferred to another parcel. In the event of the sub-division of the Tax Map Parcel, the owner shall inform the Authority as to which resulting parcel, or building, the EDU is assigned. An EDU shall not be transferred to another building unless a full first EDU Connection Fee as shown on Appendix A has

been paid for that building, and all Sewer Fees owed the Authority are current. If a transfer is allowed, the Permits for the respective buildings shall be amended to show current information and the number of EDUs assigned to each building.

3. Relinquishment of EDUs: A property Owner who is granted a certain number of EDUs by Permit, or who holds them as shown on the Property Matrix, and who is not using same, may upon written application, with the approval of the Authority, relinquish some or all of the EDUs back to the Authority, whereupon the Property Owner shall no longer be charged a Service Fee for those EDUs. To then re-acquire those EDUs, a Property Owner must secure a new Permit, or amend an existing Permit, and pay the requisite Connection and other applicable fees.

4. Active and Inactive EDUs: With permission of the Authority, EDUs may be purchased and kept in an inactive status, or may be converted from active to inactive, as provided by this paragraph 4. The Service Fee for an inactive EDU shall be one-half the normal Service Fee for one EDU.

(a) For EDUs acquired by a property owner <u>after</u> the effective date of these Rules, the owner may keep such EDUs in an inactive status by agreement with the Authority at the time the Permit is issued. The status of all EDUs purchased shall be reflected in the Permit.

(b) For EDUs acquired by a property owner <u>before</u> the effective date of these Rules, the owner may apply in writing to the Authority to convert active EDUs to inactive status. An Application Fee of $200 shall apply for each application in which EDUs are sought to be converted to inactive

status.[2] Upon review of the application and proof satisfactory to the Authority that some of the applicant's[3] EDUs are not being used, the Authority may agree to allow the conversion to inactive status for all or some of the EDUs requested. A new permit shall be issued to reflect the status of the EDUs for each building concerned.

(c) If both active and inactive EDUs are assigned to the same building under either sub-paragraph (a) or (b), above, then the owner must install a flow meter. It shall be the owner's responsibility to inform the Authority when the average daily discharge measured over thirty consecutive days exceeds the discharge allowed for all active EDUs assigned to that building, whereupon the appropriate number of inactive EDUs shall be converted to active status and a new Permit shall be issued reflecting the then current status of all EDUs assigned to that building.

(d) The Authority shall have the right of access to flow meters and sampling sites on any weekday between 9:00 AM and 5:00 PM for purpose of inspection and testing. If the flow meter or sampling site is inside a building, the owner shall arrange for access upon reasonable notice from the Authority. If an owner denies access to the Authority, after giving written notice, the Authority may, in its sole discretion, convert all inactive EDUs assigned to a building to active status and bill the owner accordingly.

[2] Sentence amended by Board resolution on May 12th, 2016; original text as follows: "An Application Fee of $200 shall apply for each EDU sought to be converted to inactive status."

[3] Sentence amended by Board resolution on May 12th,2016 to include "of the applicant's" in the text.

(e) Any Permit issued by the Authority authorizing inactive EDUs may impose such conditions as the Authority deems appropriate to monitor and verify the amount and type of effluent being discharged into the Sewer System.

(f) No Application Fee shall be charged to convert an inactive EDU to active status.

[4](g) Applications to convert active EDUs to inactive status shall only be considered if the applicant's account is in good standing.

5. Inactive EDUs Existing as of the Effective Date of these Rules: Several Tax Map Parcels on the Property Matrix are shown as having 0.5 EDU. These parcels were allowed under the previous rules of the Authority to reserve one EDU for future use by paying the then existing Connection Fee plus the charge for one-half EDU per month. Upon connection of one building on one of these Tax Map Parcels to the Sewer System, the property owner shall begin paying for one full EDU, pro-rated from day after connection occurs, and thereafter that building and EDU shall be subject to the terms of these Rules. Further, the physical connection of the building to the Sewer System shall be governed by these Rules, and shall be at the cost of the property owner, who shall retain ownership of everything installed on their property, and who shall then be responsible for its maintenance, repair and replacement. Once connected, a Permit shall be issued reflecting the current information for the building and the EDUs assigned thereto. No new Connection Fee shall be charged for the EDU previously reserved, but if another building on the property is connected to the Sewer System, that connection shall be subject to these Rules and payment of all then current Sewer Fees, including a Connection Fee. If the

[4] Subsection added by Board resolution on May 12th, 2016.

property owner later seeks to buy additional EDUs for the building to which the reserved EDU was assigned, those new EDUs shall be treated as "additional" EDUs for purpose of calculating the Connection Fee on Appendix A.

C. Sewer Fees

1. Responsibility for Payment: All fees provided for in these Rules shall be the responsibility of the owner of the property served by the Sewer System; they are collectively referred to as "Sewer Fees." The amounts of these fees and their method of calculation are set out in Appendix A, and are subject to change by the Authority.

2. Application Fee: This fee is due when an application is filed with the Authority for a Permit: (1) to make a discretionary connection of a building to the Sewer System, or to amend an existing Permit, provided in this latter case, the Authority may waive some or all of the fee; and, (2) to convert any number of active EDUs to inactive status.[5] Payment of this fee does not guarantee a Permit will be approved or amended.

3. Connection Fee: Payment of this fee, sometimes referred to as a "tap fee," allows the property owner to connect a specific building to the Sewer System for a specific use, and to discharge a specified number of EDUs into the Sewer System in accordance with the terms and conditions of the Permit issued to the property owner. Connection Fees are calculated based on the number of

[5] Sentence amended by Board resolution on May 12th, 2016; original text as follows: "…(2) to convert an active EDU to inactive status."

EDUs approved for a specific building for a specific use as shown in Appendix F. In the event the use of the building causes the number of EDUs discharged into the Sewer System to exceed the number allowed by the Permit, then the Authority has the right to amend the Permit to reflect the number of EDUs actually being discharged and, if necessary, to impose additional Connection and Service Fees in accordance with Appendix A. and paragraph 5., below.

4. Front Footage Fee: this fee is charged to those property owners who are subject to the mandatory connection requirement in paragraph A. 4. (a), above, but who continue to use an approved private system under paragraph A. 4. (b), above, and are not discharging into the Sewer System. This fee is for the Authority making its services available to a property, maintaining same and reserving capacity within the Sewer System to accommodate the connection of a building at a later date.

5. Service Fee: this is a monthly fee billed quarterly for the collection, transport and processing of the liquid waste from a specific building that is discharged into the Sewer System. It is calculated based on the number of EDUs assigned to a specific building for a specific use as disclosed in the application for a Permit to connect to the Sewer System as shown in Appendixes A and H. However, for buildings connected to the Sewer System prior to the effective date of these Rules, and for which no Permit has been issued, the number of EDUs is as shown in the Property Matrix.

Service Fees shall begin to accrue the day after a Permit is issued and shall be prorated by the day for the remaining portion of that month and shall be reflected in the next quarterly bill.

In the event the actual use of any building causes the amount of waste

discharged into the Sewer System to exceed the amount authorized by Permit, or as shown in the Property Matrix for pre-existing connections, then additional Service and Connection Fees may be imposed by the Authority as follows:

(a) By Surcharge: If the measured discharge into the Sewer System from a building consistently exceeds the amount allowed by Permit, but the Authority finds such excess discharge is not of sufficient nature or quantity to justify assigning an additional EDU to the building, then the Authority may impose a surcharge on each gallon of waste in excess of what is allowed by Permit. In arriving at the amount of the surcharge, the Authority shall consider the nature and quantity of the waste, its effect on the Sewer System and the per gallon rate already being paid by the property owner. If such a surcharge is made, there shall be no additional Connection Fee charged. Any such surcharge shall be uniformly applied among users for the same type and quantity of waste.

(b) By Additional EDUs: If the measured discharge into the Sewer System from a building consistently exceeds the amount allowed by Permit to the extent that additional EDUs should be assigned to the building, then the Authority may amend the Permit to so reflect, and the Property owner shall then be responsible for any Connection and Service Fees attributable to any additional EDUs.

In order to determine whether Permit limits are "consistently" being exceeded, the flow from a building shall be monitored for a period of at least 30 consecutive days.

Prior to either the imposition of a surcharge or the assignment of additional EDUs, the property owner shall be given written notice that the Authority proposes to do so, of the amount of the surcharge or the number of additional EDUs and of the basis for the Authority's proposal. Such notice shall be mailed

within 3 days after the monthly meeting of the Authority at which a majority voted to propose the imposition or assignment. The notice shall advise the property owner they have the right to appear at the next monthly public meeting of the Authority and comment upon the proposal, whereupon the Authority shall vote on the proposal. The Authority may not exceed the amounts or numbers stated in the notice, but may reduce same. The Authority and the property owner may by amended Permit agree to a surcharge or to additional EDUs, in which case this notification procedure need not be followed.

6. Inspection Fee: This fee is based on the man-hours required for an employee of the Authority to inspect the installation, replacement or repair of the sewer connection from the main to the building to insure compliance with these Rules. It is the property owner's responsibility to procure a contractor to make the necessary initial connection using materials, and the method and manner of construction, required by these Rules. Employees of the Authority shall inspect this work. Thereafter, replacement and/or repair of said connection shall also be the responsibility of the property owner, and the role of the Authority shall be to inspect the work, for which an Inspection Fee shall be charged. If, based on agreement between the Authority and the owner, on a case-by-case basis, the owner wants the Authority to make repairs or replacements, the owner shall be billed for the time expended by the employees of the Authority at the rate provided for Inspection Fees, plus cost of materials.

7. Remediation Fee: This fee shall be charged to the property owner to compensate the Authority for costs necessary to repair or replace any portion of the Sewer System because of damage caused by the intentional or negligent act of the property owner, or by any person using the Sewer System

with the consent of the property owner.

8. Reconnection Fee: This fee is charged if service to a property is terminated because of non-payment of fees, or because of violation of these Rules, a Permit, or State or Federal law. It must be paid before service is re-connected.

9. EDU Transfer Fee: This fee is charged if, at the request of the owner, one or more EDUs are transferred from one building to another building on the same parcel of land; provided, no EDUs shall be so transferred to a building that has not paid the full Connection Fee for the first EDU as shown in Appendix A. EDU Transfer Fees shall be paid at the time the transfer is approved as a condition of the issuance of the amended Permits.

D. Prohibited Discharges

1. Prohibited Substances: It shall be a violation of these Rules, and of any Permit issued by the Authority, for any person or entity to release, attempt to release, or cause or allow to be released, into the Sewer System, whether by intentional act or omission, or by negligent act or omission, any substance:

(a) in an amount, or of a nature, prohibited by Appendix E.; or,

(b) which in the opinion of the Authority could have an adverse effect on the Sewer System either individually or when combined with other substances; or,

(c) not allowed by Permit; or,

(d) not allowed by Federal, State or County law.

These are referred to as Prohibited Substances.

Every Property Owner shall be responsible for any discharge of a Prohibited Substance into the Sewer System coming from any building owned by them. Further, if the Prohibited Discharge comes from a use or activity, residential or commercial, conducted in the building by a person other than the Property Owner, then that person, referred to as a User, shall be jointly and severally responsible with the Property Owner, and the Authority may have recourse against either or both.

If the Authority becomes aware of the release into the Sewer System of a prohibited substance from a particular building, it may issue a violation notice and proceed as provided by paragraph F. 1. However, if in the sole opinion of the Authority, the release requires immediate action to prevent or minimize the risk of injury to person or property, including damage to the treatment plant, the Authority may take such steps as are reasonably necessary to prevent or minimize such injury or damage, including the immediate disconnection of the offending building from the Sewer System. The owner of any building from which the release emanated shall be responsible to the Authority for the cost of repair of any damage to the Sewer System, and for any costs incurred by the Authority in attempting to prevent or minimize damage caused by the release, which shall be billed as a Remediation Fee.

2. Blockages: It shall be a violation of these Rules, and of any Permit issued by the Authority, for any person or entity to place or allow to be placed in the Sewer System anything which causes a blockage of the flow of liquid waste within the Sewer System, including the Service Lateral. If such blockage is repaired by the Authority, a Remediation Fee shall be charged to the owner of the offending building whether the blockage occurs on or off the owner's property.

3. Waivers: Upon written application of a property owner, and proof satisfactory to the Authority that a Prohibited Substance may be released into

the Sewer System without harm, the Authority may waive any requirement of this section D.. As a condition of such a waiver, the Authority may impose such conditions as it deems appropriate.

E. Billing and Payment

1. Billing date**:** All bills for Service Fees, Front-Footage Fees, Inspection Fees, Remediation Fees and Surcharges shall be rendered quarterly, on the first business day of each quarter, which shall be known as the "billing date." The bill rendered on such billing date shall cover the immediately preceding complete calendar quarter and shall include all amounts owed to the Authority, including penalty and interest. The four (4) calendar quarters shall be designated as follows:

(1) January 1st through March 31st;

(2) April 1st through June 30th;

(3) July 1st through September 30th;

(4) October 1st through December 31st.

2. Due Date**:** All such quarterly bills shall be due before the first day of the month following the month in which the bill is rendered by the Authority.[6] Payment made or mailed and postmarked on or before the last day of the month in which the bill is rendered shall be deemed timely made. A bill not paid by the last day of the month in which the bill is rendered shall be delinquent.

[6] Example: If the quarterly billing period is for the first quarter (Jan 1st – March 31st), the bill is rendered by the Authority on April 1st and is due before May 1st.

3. Pro Rata Payment On Issuance of Permit: Each owner of a building that is issued a Permit shall pay the applicable Service Fee beginning with the day after the Permit is issued. The Service Fee for the month in which the Permit is issued shall be pro-rated by the day, through the end of that month, and shall be billed with the next regular quarterly billing.

4. Connection Fees:

(a) Connection Fees (tap fees) shall be assessed by the Authority in accordance with the schedule in Appendix A, based on the number of EDUs assigned to the building as shown in Appendix F., and shall be payable at or before the issuance of the Permit. No work shall begin on any structure that is to be connected to the Sewer System, nor shall any building permit be issued, nor shall any waste be discharged into the Sewer System, until the Connection Fee is paid.

(b) For normal single family dwellings, payment of the Connection Fee shown in Appendix A., will result in one EDU being assigned to the dwelling and thereafter the monthly Service Fee for one EDU shall be charged and paid.

(c) For non-residential uses, or multiple dwelling units in one building, the Connection Fee shall be calculated by determining the EDUs assigned to the building based on Appendix F., and then applying the amounts shown for Connection Fees in Appendix A. Each dwelling unit within a building shall be charged as if it were a free-standing single family residence.

(d) In the event a Connection Fee is assessed under paragraph A. 4. (b) against a property that will not then be physically connected to the Sewer System, the Authority may set a payment schedule for such Connection Fee, which may include interest not to exceed 10% per annum. Otherwise, the Connection Fee shall be due within 60 days of the date notice of assessment is mailed to the property owner. If the Connection Fee is not timely paid the Authority may rescind any Permit issued in connection therewith.

5. Front-Footage Fees: Front-Footage Fees shall be calculated in accordance with Appendix A. and shall be billed and collected as part of the net bill for any quarter. They shall begin to accrue when a property owner, who is notified by the Authority that they are subject to mandatory connection under paragraph A. 4. (a), above, gives notice to the Authority that they wish to proceed under paragraph A. 4. (b) and continue to use their existing sewage disposal system.

6. Penalty: All amounts billed quarterly shall be due and payable before the first day of the month following the month in which the bill is rendered, and collectively shall constitute the net bill. If the net bill is not paid by the due date, a penalty of 10% shall be added to such net bill, which net bill plus the 10% penalty shall constitute the gross bill.[7] The 10% penalty shall be charged only once per delinquent quarter.

7. Interest: Interest at the rate of 10% annually, or such other maximum amount as may be hereafter allowed by §15.2-105 of the Code of Virginia, beginning the first day following the day the bill is due, shall be collected upon the gross bill. Interest shall be assessed upon the gross bill at a rate of .0274% per day (10% per annum divided by 365 days). Interest shall not be calculated on interest.

8. Allocation of Partial Payments: When any partial payment is made it shall be allocated first to the most delinquent bill, and then from the oldest to the most recent bill. As to any one bill, a payment shall be allocated first to interest, then to the gross bill. Interest shall be prorated to the date of payment.

[7] VA CODE §15.2-5136.

9. Termination of Service for Non-Payment: If the gross bill plus any accumulated interest is not paid within 30 days after it becomes due, the Authority may cease supplying sewer services to the building.[8]

10. Liens: Any delinquent fees and charges, plus penalty and interest, may be enforced by filing a lien with the Clerk of the Circuit Court for Rappahannock County on the real property where the service was provided and proceeding by judicial sale as provided in Virginia Code § 58.1-3965, *et seq*. Any such lien shall rank on a parity with a lien for unpaid real estate taxes.[9] The amount of the lien may be for up to three months of delinquent Service Fees, Front-Footage Fees, Inspection Fees and Remediation Fees, plus 10% penalty, plus interest on such delinquent fees and penalty at the rate of 10% per year pro-rated to the day of payment, plus 20% of such delinquent fees to pay for reasonable attorney fees and other costs of collection. A lien may not be placed against the owner's property if the amount of such lien is less than twenty-five dollars ($25). If the amount of such lien is paid in full, the Authority shall deliver a fully executed lien release substantially in the form set forth in §15.2-2119 L. of the Code of Virginia to the person making payment within 10 business days. It shall be that person's responsibility to release the lien in the office of the Clerk of the Circuit Court.

11. Abatement On Vacancy: Upon written application by the property owner, Service Fees may, in the discretion of this Authority, be reduced by one-half during any period of two (2) consecutive months or more during which a building connected to the Sewer System is vacant.

12. Hardship Waiver: A Property Owner may, when the strict application of the Sewer Fees imposed by these Rules produces an undue hardship, make a

[8] VA CODE §15.2-5138.

[9] VA CODE §15.2-2119 E.

written application for a waiver from said fees, and the Authority shall issue such a waiver in the event it makes the following findings:

(a) That the strict application of the Sewer Fees described herein would produce an undue hardship.

(b) That such hardship is not shared generally by other properties in the Service District, and is not of so general or recurring a nature as to make reasonably practical the adoption of a general regulation.

(c) That the authorization of such waiver will not be of substantial detriment to the fiscal integrity and well-being of the Authority.

(d) That the hardship is due to seasonal fluctuations or other unusual circumstances, and is not the result of actions by the property owner designed to circumvent these Rules.

Upon an affirmative finding as to each of the foregoing, the Authority shall determine what waiver is the minimum that will afford relief, and that is fair and equitable under the specific circumstances. Such waiver may be subject to terms and conditions imposed by the Authority, including time limitations.

13. Notices to Owner: Each Owner of a building that is connected to the Sewer System shall provide this Authority with, and thereafter shall keep this Authority advised of their correct mailing and email addresses and telephone number. Failure of any person to receive any bill for Sewer Fees shall not be considered an excuse for non-payment, nor shall such failure result in an extension of the period of time during which the gross bill shall be payable, unless same occurs through the fault of the Authority. A mailing to the wrong address shall not be considered the fault of the Authority if the property owner fails to inform the Authority of their correct address. In communicating by mail with a property owner to whom a Permit has been issued, whether for billing or other purposes, the Authority may rely upon the mailing address shown in

the Permit. If it comes to the attention of the Authority that ownership of the property has changed so that the mailing address shown in the Permit is no longer valid, the Authority may use the property address for the new owner maintained by the County of Rappahannock for real estate tax purposes. In communicating with a property owner shown on the property Matrix for whom no Permit has been issued, the Authority may use the address shown there, or if it comes to the attention of the Authority that said address is no longer valid, it may use the property address for the property owner maintained by the County of Rappahannock for real estate tax purposes.

F. Violations

1. Termination of Service: Unless specifically provided otherwise in these Rules,[10] violation of the terms and conditions of any Permit, or of these Rules, or of any State or Federal law regulating the Sewer System, will allow the Authority to revoke a Permit, if one has been issued, and/or terminate service to the subject property if the violation is not corrected within 30 days of the date of posting of a notice of violation to the Property Owner at the Mailing Address specified in paragraph E. 13. A Reconnection Fee is due prior to the property being reconnected to the Sewer System. Nothing in this paragraph shall prevent service from being immediately terminated in the case of an emergency as referred to in paragraph D. 1. Termination of service may require entry onto private property to physically disconnect a building, tank, pump or pipes from the Sewer System to which entry the property owner consents by accepting a Permit. In the event service is terminated under this paragraph to a property that is subject to the mandatory connection rules, the Authority may proceed to obtain an injunction requiring reconnection to the Sewer System be made in accordance with law, and may recover in such

[10] See paragraph E. 9. as to termination of service for non-payment of Sewer Fees making up the gross bill.

action its reasonable legal fees and costs expended, and may also recover all Sewer Fees owed at the time of termination of service.

G. Miscellaneous

1. Indemnification of Sewer Authority: The property owner, and/or the user, of any building connected to the Sewer System shall defend, indemnify and hold harmless the County of Rappahannock, the Authority, their members, agents and employees, as to any and all liability, claims, demands, damages, costs, attorney's fees and all other expenses allegedly or actually caused by the discharge from that building into the Sewer System of waste of a type and/or quantity not permitted by these Rules, State or Federal law, or by the applicable Permit.

2. Liability of Sewer Authority for System Malfunctions: Interruption in sewer service to a building shall result in a pro-ration of the Service Fee for such portion of time as the service is shut-off; provided, such interruption is not the fault of the property owner or someone using the building with the owner's consent. No person shall have any right to any damages or reimbursement from the Authority as a result of any failure, malfunction or interruption in sewer service.

3. Severability**:** In the event any portion of these Rules is declared by any Court to be unenforceable, unconstitutional, illegal (or otherwise unlawful), or outside of statutory authority, such portion shall be severed from the remainder of the Rules, and the remaining portions of the Rules shall remain in full force and effect.

4. Legal Actions by Authority: In the event the Authority must take action in a court of law against a property owner, or against any user of the Sewer System, to enforce any provision of these Rules, or of any State or Federal law applying to the Sewer System, or it takes action against any person who damages the Sewer System, and the Authority substantially prevails, it shall be entitled to also recover it attorney's fees, expenses and costs.

5. Tampering with Sewer System: All connections to the Sewer System shall be in accordance with these Rules, and made pursuant to a Permit issued by the Authority by qualified personnel supervised and inspected by an employee of the Authority. Any other connection, attempt to connect, diverting or tampering with the Sewer System is unauthorized and may subject a violator to criminal prosecution under §18.2-162 (damage to sewer and wastewater facility) and/or §18.2-162.1 (diverting wastewater line) of the Code of Virginia.

6. Notice to Authority: Before beginning any changes, modifications, repairs or replacement to a Service Lateral, the property owner shall inform the Authority of the proposed work, and the Authority shall have the right to inspect same for compliance with these Rules, and to charge the appropriate Inspection Fee. A property owner or user of the Sewer System shall notify the

Authority within 24 hours of discovery of any interruption of service or malfunction. Notice to the Authority may be given at 540-987-3185 or rcwsa1@gmail.com.

7. Pre-Treatment: Whenever facilities or equipment for preliminary treatment (pre-treatment) and handling of wastes are required by any Permit, such facilities shall be maintained continuously, at the expense of the Property Owner, in satisfactory operating condition; and the Authority shall have access to such facilities at reasonable times for purposes of inspection and testing. Failure of a Property Owner to comply with this provision shall be grounds to revoke a Permit.

H: List of Appendices

Appendix A	List of fees
Appendix B	Application for a permit to connect
Appendix C	Permit to connect to Sewer System
Appendix D	Service District boundaries
Appendix E	Prohibited discharges into the Sewer System
Appendix F	List of EDUs assigned to specific uses
Appendix G	Articles of Incorporation
Appendix H	Plant Operating Permits
Appendix I	By-Laws
Appendix J	Lien Procedure

Appendix K COVID Emergency Resolution

Appendix A: Fees

Connection Fee: Payment of this fee will allow a property owner to connect *a specific building* to the Sewer System:

$7,500 for the first EDU assigned to that building;

$7500 for each additional EDU, whether purchased at the same time as the first EDU or later, assigned to that building if it is a residence;

$3,750 for each additional EDU, whether purchased at the same time as the first EDU or later, assigned to that building if it is not a residence.

EDUs shall be assigned based upon the uses conducted in the building as shown in Appendix F.

Service Fee: Payment of this fee will allow a property owner to discharge into the Sewer System a specified number of EDUs:

$50 per EDU per month[11]

Front Footage Fee: Payment of this fee is required only by those property owners who are subject to the mandatory connection rules, but who have not yet connected to the Sewer System:

$20 per month

Inspection Fee: $50 per man/hour or portion thereof.

Remediation Fee: cost actually incurred plus $50 per man/hour or portion thereof for time expended by employees of the Authority.

[11] The Service Fee increased from $40 to $50 per EDU per month pursuant to public hearing held June 14, 2018.

Application Fee:

(1) For non-mandatory connection to the Sewer System: $200 per building sought to be connected to the Sewer System. In the event any special testing or evaluations need to be performed due to the nature of the proposed discharge into the Sewer System, the cost of same shall be paid by the applicant and added to the Application Fee.

(2) For conversion of an active EDU to inactive status: $200 per EDU sought to be converted. No fee shall be charged to convert back to Active status.

(3) For any waiver provided for by these Rules.

Reconnection Fee: $200 per building reconnected.

EDU Transfer Fee: $200 per EDU transferred.

Surcharge: If the measured discharge into the Sewer System from a building consistently exceeds the amount allowed by Permit, but the Authority finds such excess discharge is not of sufficient nature or quantity to justify assigning an additional EDU to the building, then the Authority may impose a surcharge on each gallon of waste in excess of what is allowed by Permit. In arriving at the amount of the surcharge, the Authority shall consider the nature and quantity of the waste, its effect on the Sewer System and the per gallon rate already being paid by the property owner. If such a surcharge is made, there shall be no additional Connection Fee charged. Any such surcharge shall be uniformly applied among users for the same type and quantity of waste.

If the measured discharge into the Sewer System from a building consistently exceeds the amount allowed by Permit to the extent that additional EDUs should be assigned to the building, then the Authority may amend the Permit to so reflect, and the Property owner shall then be responsible for any Connection and Service Fees attributable to any additional EDUs.

Any Surcharge or assignment of additional EDUs shall be reflected in the next quarterly bill.

See paragraph C. 5. as to the method for imposing a surcharge or additional EDUs.

Appendix B: Application for Service

Rappahannock county Water and Sewer Authority
Application for Service by Sperryville Sewage Facility

A site plan and building plans must accompany this application

1. Name of owner_____

2. Address of owner_____
_____

3. Telephone_____

PROPERTY LOCATION AND DESCRIPTION

4. Tax Map Reference Number_____ Parcel Number_____

5. Date of acquisition_____

6. Former owner_____

7. Deed/Will Book_____ Page_____

8. Located on State Route Number_____

9. Property served by right of way? _____Yes _____No

10. Are there any existing structures on the property that will be served?
_____Yes _____No
If so, indicate on plat or site plan and describe:_____
_____

NATURE OF STRUCTURE TO BE SERVED

11. Describe structure for which sewerage service is sought:_____
_____

12. Will business or commercial uses be involved? _____Yes _____No
Describe_____

13. Building is to be_____ft. wide by_____ft. long by_____ft. in height.

14. Building will contain_____bathrooms,_____washers, and_____kitchens.

15. Describe any additional uses for which sanitary sewer disposal is required:_____

16. Remarks:_____
_____

_____ _____
Signature of Owner Date

Appendix C

PERMIT TO CONNECT TO SEWER SYSTEM

Date of Issuance:

Parcel Tax Map Number:

Property Owner/Permit Holder:

Street Address:

Mailing Address:

Email Address:

Telephone:

EDUs Authorized:

Building to Which Service Provided:

This permit authorizes the Property Owner to connect, at their own expense, the building referred to above, which is located on the land identified by the above-referenced Tax Map Number, to the Sewer System, and to discharge into the Sewer System the number of EDUs shown. This Permit is subject to the Rules and Regulations of the Authority, as well as to the terms and conditions attached hereto and made a part hereof, and Federal and State law regulating the operation of the Sewer System.

Violation of these terms and conditions, or of the Rules and Regulations of the Authority, or of any State or Federal law regulating the Sewer System, will allow the Authority to revoke this Permit and terminate service to the subject property if the violation is not corrected within 30 days of the date of posting

of a notice of violation to the Property Owner at the Mailing Address shown above. A Reconnection Fee is due before the property may be reconnected to the Sewer System.

This Permit shall run with the land and apply to all future owners of the property, but is not transferrable to another property or building without prior consent of the Authority.

By accepting this permit, the Property Owner consents to members, agents and employees of the Authority coming upon the subject property for purposes of inspection, testing or repairs, or to disconnect the building from the Sewer System if this Permit, the Rules and Regulations of the Authority (including non-payment of Sewer Fees), or State or Federal law regulating the Sewer System, are violated.

In granting this Permit, the Authority has relied on representations of the Property Owner as to the nature and quantity of wastewater to be discharged into the Sewer System. The Authority has the right to modify or revoke this Permit and/or to charge additional Connection Fees, Service Fees or Surcharges if any building covered by this Permit discharges into the Sewer System wastewater of a type different than, or in a quantity in excess of, what is allowed by this Permit.

RAPPAHANNOCK COUNTY WATER & SEWER AUTHORITY

BY: _____

I/We agree to the terms of this Permit

Property Owner: _____

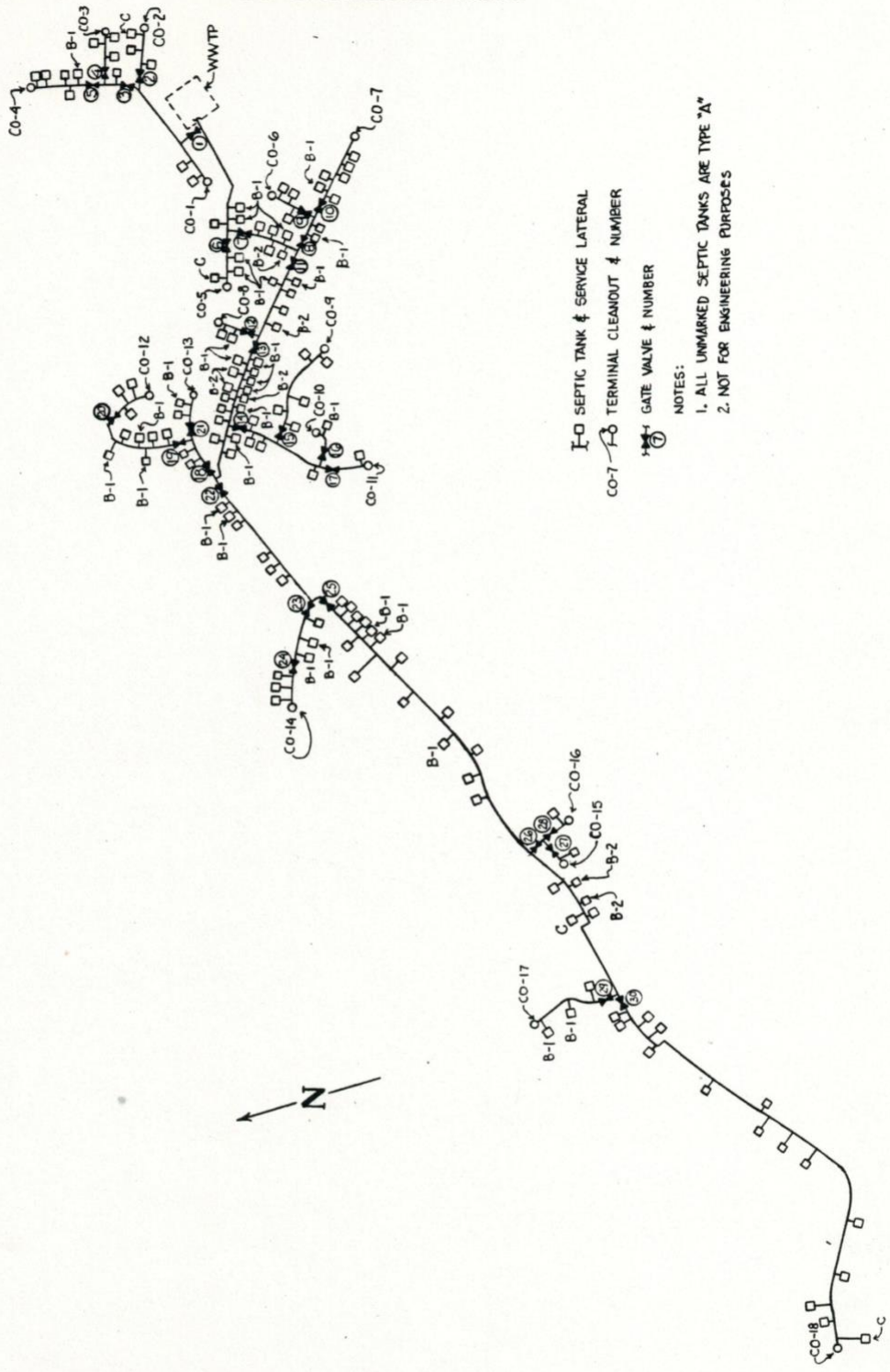
_____

Appendix D: Service District Boundaries

The Service District shall include all properties which abut a street, public right of way or an easement which contains sewer lines owned by the Authority to which a Service Lateral may be connected.

The attached diagram shows such properties as of the time of the plan of the Sewer System in 1986.

PLAN OF COLLECTION SYSTEM



B.1

Appendix E: Prohibited Discharges

No Person shall discharge, attempt to discharge, or cause or allow to be discharged into the Sewer System, whether by intentional act or omission or by negligent act or omission:

any stormwater surface water, spring water, groundwater, roof run-off, sub-surface drainage, building foundation drainage, cellar or basement drainage, or drainage from roof leader connections;

any gasoline, benzine, naptha, fuel oil, petroleum distillate, non-biodegradable cutting oil, products of mineral oil, kerosene, paint or other flammable or explosive liquid, solid, or gas;

any substance sufficient to cause a hazard in the operation of the Sewer System, or which may result in an effluent discharge from the Sewage Treatment Plant unacceptable to any governmental agency having jurisdiction, or which may create a danger to the public, or which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or prevent entry into the Sewer System for maintenance and repair, or which results in the presence of toxic gases, vapors, or fumes within the Sewer System;

ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, fur, plastics, wood, paunch manure, butcher’s offal, hair or any other

solids or viscous substance capable of causing obstruction to the flow in the Sewer System or interference with its proper operation;

any waters or waste containing radioactive isotopes;

any substance which causes the Sewage Treatment Plant to violate any permit or Authorization to Discharge issued by the Commonwealth of Virginia;

liquids having a pH of less than 6.0, or more than 9.0, or found to be excessively corrosive;

water or waste having a 5-day 20 degree centigrade Bio-chemical Oxygen Demand (B.O.D.) in excess of 400 mg/l;

water or waste having a suspended solids content in excess of 400 mg/l;

water or waste having a total solids content in excess of 1,100 mg/l;

water or waste having a temperature higher than 150 degrees Fahrenheit or less than 32 degrees Fahrenheit, or a combination of temperature and quantity of flow such that it causes the influent temperature at the treatment plant to be above 40 degrees centigrade (104 degrees Fahrenheit);

substances which create a fire or explosion hazard in the Sewer System, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21;

water or waste containing more than 100 mg/l by weight of fats, oils or greases;

water or waste containing unground garbage;

water or waste which exceeds these limits:

Substance	Limits (mg/l)
Cadmium (Cd)	.1
Chlorides	250.0
Chromium (Cr + CR+6)	.5
Chromium (Cr+6)	.1
Copper (Cu)	.5
Cyanide (Cn)	.5
Iron (Fe)	10.0

Lead (Pb)	.5
Mercury (Hg)	.01
Nickel (Ni)	.5
Nitrogen (total)	80.0
Phenols (C6H50H)	1.0
Phosphorous	10.0
Zinc (Zn)	1.0

Water or waste having a chlorine demand in excess of 12 mg/l;

water or wastes which are not amenable to treatment at, or which may disrupt the operation of, the Sewage Treatment Plant, specifically non-biodegradable complex carbon compounds, synthetic organic detergents or similar;

water or waste listed in the U.S. Environmental Protection Agency Industrial Waste Pretreatment requirements as published in the Code of Federal Regulations in a concentration greater than that listed in the latest revision of those regulations, or containing any wastes which meet

the definition of hazardous or toxic wastes as defined by the Department of Environmental Quality or the Environmental Protection Agency;

any trucked or hauled substance, except at discharge points designated by the Sewer System.[12]

[12] 9 VA. ADMIN. CODE, Agency 25, Chapter 31, Section 770(B) (2013).

Appendix F

List of EDUs assigned to Specific Uses

A. RESIDENTIAL BUILDINGS

Each Dwelling Unit will be assigned one (1) Equivalent Dwelling Unit (EDU). A Dwelling Unit is any room, group of rooms, house trailer or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of persons living together, or by a person living alone.

Each Dwelling Unit in a double house, in a row of connecting houses, in an apartment building or in any other multiple dwelling including condominiums shall be assigned one EDU per each Dwelling Unit. If two (2) or more families use separate cooking and/or toilet facilities in a building, they will be assigned one (1) EDU per family as though each such family was a separate user.

B. NON-RESIDENTIAL BUILDINGS

Each non-residential building shall be assigned EDUs as set forth in the following schedule:

	Category	Equivalent Dwelling Unit(s)
(a)	Each hotel or motel, Conference Center or Resort, Retreat or Lodge, Bed and Breakfast, Tourist Home/Boarding House, Guest House, or similar use, per 2 rental rooms or fraction thereof	1
(b)	Each restaurant, club or tavern, per 20 seats or fraction thereof	2

	per each additional 20 seats or fraction thereof, add	1
	(outside seats count as ½ seat for the purposes of this subsection)[13]	
(c)	Each Place of Worship, Private Club, Social, Fraternal, Civic, Public Benefit, Fire or Rescue Company or municipal building	1
	with Social Hall, add	1/2
(d)	Each service station, automobile repair shop or garage, 2 bays or less, if retail sales conducted	3
	Each additional bay, over 2, add	1
(e)	Each service station, automobile repair shop or garage without retail sales	1-1/2
(f)	Each barber or beauty shop, 2 chairs or less	1-1/2
	Each additional 2 chairs or less, add	1/2
(g)	Each laundromat, per washer	1
(h)	Each funeral home	3
(i)[14]	Each retail store or seasonal wayside stand with 3 or fewer employees (including owner)	2
	For each additional 3 employees or fraction thereof, add	1

[13] Amended by resolution on November 14, 2019, reducing outside seats from being counted as 1 seat to ½ seat.

[14] Amended by resolution on November 14, 2019, which deleted the following language: "If over 3 employees, then in addition to the above, for each 30 front fee or fraction thereof of store, add 1"

(j) Other Commercial, Professional Office, Office Business,

Financial Institution or similar uses with 10 or less employees	2
Each additional 5 employees or fraction thereof, add	1
If shower facilities are provided, add	2

(k) Each school (nursery, primary, secondary and technical), public or private, having:

(1) Toilet facilities only, per 25 pupils/faculty, or fraction thereof	1
(2) Toilet facilities and cafeteria, per 20 pupils/faculty, or fraction thereof	1
(3) Toilet facilities and gymnasium, per 20 pupils/faculty or fraction thereof	1
(4) Toilet facilities, cafeteria and gymnasium, per 15/faculty pupils, or fraction thereof	1

(l) Each car wash, manual or automatic, 1 bay	2
Each additional bay, add	1

(m) Shopping Center: EDUs will be assigned as if each retail store was a separate non-residential use.

(n)[15] Brewery not exceeding 7,500 gal. of beer produced per 12 months	2
for each additional 7,500 gal., add	1

(o)[16] At the discretion of the Board the following exception may be approved for the following:

Small office or retail store with no more than one full-time and one part-time employee, whose combined employment does not exceed 270 hours per month, and whose toilet facilities are not open to the general public.	1

[15] Amended by resolution on February 26, 2015 which replaced "5000 gal." with "7,500 gal." and each additional EDU reduced from "2" to "1".

[16] Exception created by resolution on September 11th, 2014.

C. In the event a building contains more than one Dwelling Unit, or multiple non-residential uses, or a mixture of Dwelling Units and non-residential uses, and whether there are one or more Service Laterals, EDUs shall be assigned to that building as if each non-residential use and each Dwelling Unit was a separate stand-alone use.

D. EDUs for uses not specified above shall be determined by the Authority based upon the comparison of submitted data from the property owner as to the waste type and quantity with similar specified uses.

Appendix G

(Original documents have been executed in accordance with law on the dates shown)

RESOLUTION OF THE BOARD OF SUPERVISORS OF RAPPAHANNOCK COUNTY VIRGINIA AMENDING THE ARTICLES OF INCORPORATION OF THE RAPPAHANNOCK COUNTY WATER & SEWER AUTHORITY

Whereas the Rappahannock County Water and Sewer Authority (the Authority) was created by act of this Board on 3 May 1968, at which time the original Articles of Incorporation were adopted, and the Authority has continuously existed since then; and,

Whereas, this Board now desires to amend the original Articles of Incorporation and to extend the period of existence of the Authority for 50 years from the date of this resolution as permitted by §15.2-5114 of the Code of Virginia; and,

Whereas, the new amended Articles of Incorporation are set forth below as part of this resolution; and

Whereas, a public hearing on this resolution was advertised and conducted on 4 June 2012 in accordance with §15.2-5104 of the Code of Virginia;

Therefore, it is hereby RESOLVED:

1. The Articles of Incorporation of the Rappahannock County Water & Sewer Authority (the Authority) are amended to read as follows:

Articles of Incorporation

Rappahannock County Water & Sewer Authority

As Amended 4 June 2012

The Rappahannock County Water and Sewer Authority was created by the Board of Supervisors of Rappahannock County, Virginia, on 3 May 1968 under the

authority of the Virginia Water and Sewer Authorities Act, §15.1-1239 to §15.1-1270, inclusive, of the Code of Virginia. That Act has since been amended and re-codified as the Virginia Water and Waste Authorities Act, Title 15.2, Subtitle IV, Chapter 51, of the Code of Virginia, §15.2-5100 *et seq*.

Pursuant to the current Virginia Water and Waste Authorities Act, and specifically pursuant to §15.2-5103 and §15.2-5110 of that Act, the Articles of Incorporation of the Rappahannock County Water and Sewer Authority adopted by the Board of Supervisors of Rappahannock County, Virginia, on 3 May 1968, as reflected in the Board of Supervisors' Minute Book 6, pages 145-146 and 149, are hereby amended to read as follows:

1. The name of the authority and the address of its principal office shall be:

The Rappahannock County Water & Sewer Authority

P.O. Box 519

Washington, Virginia 22747

2. The only participating locality is the County of Rappahannock, Virginia, and the names, addresses and terms of office of the members of the Board of the Authority are as follows:

Name and Address	**Term of Office Ends**
David Aldrich, Treasurer 171 Little Long Mountain Road Huntly, Virginia 22640	7/31/12
Kenneth L. Thompson, Chairman P.O. Box 328 Washington, Virginia 22747	7/31/13
Alexander Sharp 70 Mountain Green Lane Washington, Virginia 22747	7/31/13
Keir A. Whitson, Secretary 722 Harris Hollow Road	7/31/14

Washington, Virginia 22747

Richard C. Lessard, Vice-Chairman 7/31/14

P.O. Box 455

Sperryville, Virginia 22740

3. The Board of the Authority shall be five in number, shall be appointed by the Board of Supervisors and shall hold office until their successors have been appointed. Upon expiration of the terms of office stated above, all members of the Board of the Authority shall be appointed for terms of four years. Members may succeed themselves. The Board of the Authority shall elect a Chairman, and a Vice-Chairman to act in the absence of the Chairman. They shall also elect a Secretary and a Treasurer, who may be the same person, and who do not need to be members of the Board of the Authority.

4. The purpose and project for which the Authority was, and continues to be created is to design, acquire, finance, construct, operate, repair, maintain and expand as necessary a "sewage disposal system," as that term is defined by §15.2-5101 of the Code of Virginia, in the Sperryville Service Area, and for this purpose it shall have all powers set forth in the Virginia Water and Waste Authorities Act and specifically those enumerated in §15.2-5144 of the Code of Virginia, as they are now stated and as hereafter amended. The Authority shall not undertake any other projects unless authorized to do so by resolution of the Board of Supervisors. The boundaries and extent of the Sperryville Service Area shall be delineated in the regulations of the Authority, and may be amended by the Authority from time to time.

5. In accordance with its original Articles of Incorporation and with the resolution of the Board of Supervisors of Rappahannock County which established the Authority, both of which were adopted on 3 May 1968, the Authority has already designed, acquired, financed, constructed, operated, repaired, maintained and from time to time expanded a sewage disposal system in the Sperryville area of Rappahannock County, and continues to do so. Therefore, for the purposes of §15.2-5103 A. sub-paragraphs 3. and 4. of the Code of Virginia, at this time there are no proposals for any new capital projects to be undertaken by the Authority. Therefore, the Board of Supervisors of Rappahannock County finds that it is impractical to set forth any capital cost estimates. The Authority at this time has no debt within the meaning of the Constitution of Virginia.

6. The Authority has, in compliance with §15.2-5114 sub-paragraph 10. and §15.2-5136 of the Code of Virginia, fixed the fees and rates for its services and facilities as follows:

Quarterly service fee: $85.50 per Equivalent Dwelling Unit (EDU), as defined in its Regulations.

Connection fees: $7,500 for first EDU, whether commercial or residential use; $3750 for each additional EDU generated by a non-residential structure either at the time of initial connection, or upon subsequent expansion or modification of the commercial use.

7. Pursuant to §15.2-5114 1. Of the Code of Virginia, the term of existence of the Authority shall be 50 years from the date of the adoption of the resolution of the Board of Supervisors approving these articles, to wit, from 4 June 2012.

8. A resolution which included these Articles of Incorporation was adopted by roll-call vote of the Board of Supervisors of Rappahannock County, Virginia, on 4 June 2012 at its regular monthly public meeting, after a public hearing advertised and held in accordance with §15.2-5102 and §15.2-5104 of the Code of Virginia. The said resolution did not require a referendum be requested, and authorized Roger A. Welch, Chairman of the Board of Supervisors, to sign these articles on behalf of the County of Rappahannock, Virginia.

_____

Roger A. Welch, Chairman

Rappahannock County Board of Supervisors

ATTEST:_____

Margaret R. Ralph, Clerk to the Board of Supervisors

2. The period of existence of the Authority is extended for 50 years from the date of passage of this resolution.
3. There being no opposition to this resolution expressed at the public hearing, no referendum shall be requested concerning this resolution.
4. As originally specified by this Board in 1968, the sole purpose and project of the Authority shall continue to be to provide a sewage disposal system to serve the Sperryville area of Rappahannock County, Virginia.

Record of the roll-call vote by the Board of Supervisors of Rappahannock County, Virginia, on a motion to adopt the foregoing resolution, said vote taken after a public hearing advertised in accordance with §15.2-5104 of the Code of Virginia at the regular monthly public meeting of the Board of Supervisors held at the Rappahannock County Courthouse, Town of Washington, Rappahannock County, Virginia, on 4 June 2012:

	AYE	NAY	ABSTAIN	MOTION BY	SECOND
Roger A. Welch					
S. Bryant Lee					
Ronald L. Frazier					
I. Christopher Parrish					
Michael J. Biniek					
TOTALS					

_____

Roger A. Welch, Chairman

ATTEST:_____

Margaret R. Ralph, Clerk to the Board

Appendix H

Plant Operating Permits

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Permit No. **VA0062880**
Effective Date: **September 12, 2012**
Expiration Date: **September 11, 2017**

AUTHORIZATION TO DISCHARGE UNDER THE
VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM
AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the information submitted with the permit application, and with this permit cover page, Part I – Effluent Limitations and Monitoring Requirements, and Part II – Conditions Applicable To All VPDES Permits, as set forth herein.

Owner Name: Rappahannock Water & Sewer Authority
Facility Name: Sperryville STP
County: Rappahannock
Facility Location: 3751 Sperryville Pike, Sperryville, VA 22740

The owner is authorized to discharge to the following receiving stream:

Stream Name: Thornton River
River Basin: Rappahannock
River Subbasin: None
Section: 4
Class: III
Special Standards: None

Thomas A. Faha
Director, Northern Regional Office
Department of Environmental Quality

September 12, 2012
Date

A. Effluent Limitations and Monitoring Requirements

1. Outfall 001 – 0.055 MGD Facility

a. There shall be no discharge of floating solids or visible foam in other than trace amounts.

b. During the period beginning with the permit's effective date and lasting until the expiration date, the permittee is authorized to discharge from Outfall Number 001. Such discharges shall be limited and monitored by the permittee as specified below.

Parameter	Discharge Limitations					Monitoring Requirements	
	Monthly Average[1]		Weekly Average[1]		Minimum	Maximum[1]	Frequency	Sample Type
Flow[2] (MGD)	NL		NA		NA	NL	Continuous	TIRE
pH	NA		NA		6.0 S.U.	9.0 S.U.	1/D	Grab
BOD_5	30 mg/L	6.2 kg/day	45 mg/L	9.4 kg/day	NA	NA	1/W	4H-C
Total Suspended Solids, TSS	30 mg/L	6.2 kg/day	45 mg/L	9.4 kg/day	NA	NA	1/W	4H-C
Ammonia as N (Jun-Nov)	5.1 mg/L		7.5 mg/L		NA	NA	1/W	4H-C
Dissolved Oxygen	NA		NA		6.0 mg/L	NA	1/D	Grab
E. coli (Geometric Mean)	126 n/100 mLs		NA		NA	NA	1/W	Grab
Influent BOD	NL		NL		NA	NA	1/YR	Grab
Influent TSS	NL		NL		NA	NA	1/YR	Grab

(1) See Part I.B.
(2) The design flow is 0.055 MGD.

MGD = Million gallons per day.
NA = Not applicable.
NL = No limit; monitor and report.
S.U. = Standard units.
TIRE = Totalizing, indicating and recording equipment.

1/D = Once every day.
1/W = Once every week.
1/YR = Once every year.

4H-C = A flow proportional composite sample collected manually or automatically, and discretely or continuously, for the entire discharge of the monitored 4-hour period. Where discrete sampling is employed, the permittee shall collect a minimum of four (4) aliquots for compositing. Discrete sampling may be flow proportioned either by varying the time interval between each aliquot or the volume of each aliquot. Time composite samples consisting of a minimum of four (4) grab samples obtained at hourly or smaller intervals may be collected where the permittee demonstrates that the discharge flow rate (gallons per minute) does not vary by 10% or more during the monitored discharge.

Grab = An individual sample collected over a period of time not to exceed 15-minutes.

B. Quantification Levels and Compliance Reporting

1. Quantification Levels

a. The quantification levels (QL) shall be less than or equal to the following concentrations:

Characteristic	Quantification Level
TSS	1.0 mg/L
BOD_5	2 mg/L
Ammonia	0.20 mg/L

b. The QL is defined as the lowest concentration used to calibrate a measurement system in accordance with the procedures published for the method. The permittee shall use any method in accordance with Part II A of this permit.

c. It is the responsibility of the permittee to ensure that proper quality assurance/quality control (QA/QC) protocols are followed during the sampling and analytical procedures. QA/QC information shall be documented to confirm that appropriate analytical procedures have been used and the required QLs have been attained.

2. Compliance Reporting for parameters in Part I.A.

a. Monthly Average – Compliance with the monthly average limitations and/or reporting requirements for the parameters listed in Part I.B.1.a. shall be determined as follows: All concentration data below the QL of the measurement system shall be treated as zero. All concentration data equal to or above the QL shall be treated as it is reported. An arithmetic average shall be calculated using all reported data for the month, including the defined zeros. This arithmetic average shall be reported on the Discharge Monitoring Report (DMR) as calculated. If all data are below the QL, then the average shall be reported as "<QL". If reporting for quantity is required on the DMR and the reported monthly average concentration is <QL, then report "<QL" for the quantity. Otherwise use the reported concentration data (including the defined zeros) and flow data for each sample day to determine the daily quantity and report the monthly average of the calculated daily quantities.

b. Maximum Weekly Average – Compliance with the weekly average limitations and/or reporting requirements for the parameters listed in Part I.B.1.a. shall be determined as follows: All concentration data below the QL of the measurement system shall be treated as zero. All concentration data equal to or above the QL shall be treated as reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, collected within each complete calendar week and entirely contained within the reporting month. The maximum value of the weekly averages thus determined shall be reported on the DMR. If all data are below the QL, then the weekly average shall be reported as "<QL". If reporting for quantity is required on the DMR and the reported weekly average concentration is <QL, then report "<QL" for the quantity. . Otherwise use the reported concentration data (including the defined zeros) and flow data for each sample day to determine the daily quantity and report the maximum weekly average of the calculated daily quantities.

c. Single Datum - Any single datum required shall be reported as <QL if it is less than the QL as defined above above. Otherwise the numerical value shall be reported.

d. Significant Digits - The permittee shall report at least the same number of significant digits as the permit limit for a given parameter. Regardless of the rounding convention used (i.e., 5 always rounding up or to the nearest even number) by the permittee, the permittee shall use the convention consistently, and shall ensure that consulting laboratories employed by the permittee use the same convention.

C. Other Requirements and Special Conditions

1. 95% Capacity Reopener
A written notice and a plan of action for ensuring continued compliance with the terms of this permit shall be submitted to the Northern Regional Office when the monthly average flow influent to the sewage treatment plant reaches 95 percent of the design capacity authorized in this permit for each month of any three consecutive month period. The written notice shall be submitted within 30 days and the plan of action shall be received at the Northern Virginia Regional Office no later than 90 days from the third consecutive month for which the flow reached 95 percent of the design capacity. The plan shall include the necessary steps and a prompt schedule of implementation for controlling any current or reasonably anticipated problem resulting from high influent flows. Failure to submit an adequate plan in a timely manner shall be deemed a violation of this permit.

2. Indirect Dischargers
The permittee shall provide adequate notice to the Department of the following:
   a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Section 301 or 306 of Clean Water Act and the State Water Control Law if it were directly discharging those pollutants; and

   b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of this permit.

   c. Adequate notice shall include information on (i) the quality and quantity of effluent introduced into the treatment works, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the treatment works.

3. Operation and Maintenance (O&M) Manual Requirement
The permittee shall maintain a current Operations and Maintenance (O&M) Manual for the treatment works that is in accordance with Virginia Pollutant Discharge Elimination System Regulations, 9VAC25-31 and (for sewage treatment plants) Sewage Collection and Treatment Regulations, 9 VAC 25-790.

The O&M Manual and subsequent revisions shall include the manual effective date and meet Part II.K.2 and Part II.K.4 Signatory Requirements of the permit. Any changes in the practices and procedures followed by the permittee shall be documented in the O&M Manual within 90 days of the effective date of the changes. The permittee shall operate the treatment works in accordance with the O&M Manual and shall make the O&M manual available to Department personnel for review during facility inspections. Within 30 days of a request by DEQ, the current O&M Manual shall be submitted to the DEQ-NRO for review and approval.

The O&M manual shall detail the practices and procedures which will be followed to ensure compliance with the requirements of this permit. This manual shall include, but not necessarily be limited to, the following items, as appropriate:
   a. Permitted outfall locations and techniques to be employed in the collection, preservation, and analysis of effluent, storm water and sludge samples;
   b. Procedures for measuring and recording the duration and volume of treated wastewater discharged;
   c. Discussion of Best Management Practices, if applicable;
   d. Procedures for handling, storing, and disposing of all wastes, fluids, and pollutants that will prevent these materials from reaching state waters. List type and quantity of wastes, fluids, and pollutants (e.g. chemicals) stored at this facility;
   e. Discussion of treatment works design, treatment works operation, routine preventative maintenance of units within the treatment works, critical spare parts inventory and record keeping;
   f. Plan for the management and/or disposal of waste solids and residues;
   g. Hours of operation and staffing requirements for the plant to ensure effective operation of the treatment works and maintain permit compliance;

h. List of facility, local and state emergency contacts; and
i. Procedures for reporting and responding to any spills/overflows/ treatment works upsets.

4. Licensed Operator Requirement
The permittee shall employ or contract at least one Class III licensed wastewater works operator for this facility. The license shall be issued in accordance with Title 54.1 of the Code of Virginia and the regulations of the Board for Waterworks and Wastewater Works Operators. The permittee shall notify the Department in writing whenever he is not complying, or has grounds for anticipating he will not comply with this requirement. The notification shall include a statement of reasons and a prompt schedule for achieving compliance.

5. Reliability Class
The permitted treatment works shall meet Reliability Class II.

6. CTC and CTO Requirement
In accordance with *Sewage Collection and Treatment* regulation (9VAC25-790), the permittee shall obtain a Certificate to Construct (CTC) and a Certificate to Operate (CTO) from the Department of Environmental Quality prior to constructing wastewater treatment works and operating the treatment works, respectively. Non-compliance with the CTC or CTO shall be deemed a violation of the permit.

7. Water Quality Criteria Reopener.
Should effluent monitoring indicate the need for any water quality-based limitations, this permit may be modified or alternatively revoked and reissued to incorporate appropriate limitations.

8. Sludge Reopener
The Board may promptly modify or revoke and reissue this permit if any applicable standard for sewage sludge use or disposal promulgated under Section 405(d) of the Clean Water Act is more stringent than any requirements for sludge use or disposal in this permit, or controls a pollutant or practice not limited in this permit.

9. Sludge Use and Disposal
The permittee shall conduct all sewage sludge use or disposal activities in accordance with the Sludge Management Plan (SMP) approved with the issuance of this permit. Any proposed changes in the sewage sludge use or disposal practices or procedures followed by the permittee shall be documented and submitted for DEQ and Department of Health approval 90 days prior to the effective date of the changes. Upon approval, the revised SMP becomes an enforceable part of the permit. The permit may be modified or alternatively revoked and reissued to incorporate limitations or conditions necessitated by substantive changes in sewage sludge use or disposal practices.

10. Total Maximum Daily Load (TMDL) Reopener
This permit shall be modified or alternatively revoked and reissued if any approved wasteload allocation procedure, pursuant to Section 303(d) of the Clean Water Act, imposes wasteload allocations, limits or conditions on the facility that are not consistent with the permit requirements.

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

CONDITIONAL

CERTIFICATE TO OPERATE

Owner:	Rappahannock County Water and Sewer Authority
Facility/System Name:	Sperryville Waste Water Treatment Facility Ultraviolet Disinfection System
OWE-PTL Number:	22396
Description of the Facility/System:	The treatment system noted above is rated at 0.055 MGD with a projected peak day flow of 0.15 MGD based upon a peak factor of 2.73. The project consists of the installation of two ultraviolet disinfection units with a combined peak flow capacity of 0.15 MGD (Trojan Technologies UV3000). This is a Class II Reliability system and no other characteristics of the treatment system have been changed with the exception of the removal of the chlorination and dechlorination systems.
Authorization to Operate:	By letter, the Registered Professional Engineer (design engineer) has certified in writing that the treatment units have been installed as per the approved plans and specifications for the facility. DEQ OWE staff inspected the facility on April 18, 2008.

ISSUANCE:

Hugh F. Hanson, P.E., Area Engineer
Office of Wastewater Engineering
NRO-DEQ

April 23, 2008

hfh

Appendix I

By-Laws of the Rappahannock County Water & Sewer Authority

(adopted 12 September 2013, amended 10 October 2013)

MEETINGS

1. The Authority shall conduct a regular monthly public meeting (a regular meeting) on the second Thursday of each consecutive month beginning on 10 October 2013. These meetings shall begin at 5:30 PM and be held in the Rappahannock County Court House on Gay Street in Washington, Virginia, except as provided below.
2. All meetings shall be chaired by the Chairman, or in his/her absence, the Vice-Chairman, or in his/her absence, the Secretary.
3. In the event the aforesaid regular meeting date falls on a State holiday, said meeting shall be held at the Court House on the following Thursday at 5:30 PM, without the necessity of further act or notice.
4. If an act of God or other unexpected event prevents a regular meeting from being held, or a quorum cannot be present, the meeting shall be held at the time and place described in paragraph 3., above, without the necessity of further notice except the posting of a notice as to said fact at the Court House door, and the communication of same to the County Administrator.
5. In the event a quorum is present for a meeting but the Court House is unavailable for use by the Authority because of use by the court, or otherwise, a notice to that effect shall be posted at the Court House door by 5:30 PM stating where the meeting will be held, which shall be at

5:45 PM at a location accessible by the public in the Town of Washington. If a suitable location for the meeting cannot then be found, the notice shall state the new date, time and place for the meeting, and this shall be communicated to the County Administrator.

6. A meeting, regular or special, may be continued from time to time by vote of a majority of a quorum without the necessity of giving further notice as long as the time and place for the continued meeting are announced at the time of the vote; provided, no meeting shall be continued to a date after the next regular meeting.
7. Special meetings may be called by the Chairman by giving three days notice to all members; provided, the three day period may be waived for a specific meeting by agreement of the rest of the members. Notice of the time, place and purpose of the special meeting shall be, if possible, posted three days in advance at the Court House door, filed with the County Administrator, and provided to the Rappahannock News.
8. Any notice required by these By-Laws, or by the Code of Virginia, may be given in-person, by telephone, in writing, by electronic transmission, or by any other effective method. Posting at the Court House door shall mean posting either on the front door, or on the bulletin board just inside the Court House front door.
9. [17]Participation of board members from remote locations as provided by §2.2-3708.1 of the Code of Virginia. If a Member would like to participate from a remote location then on or before the day of a meeting then: 1) the Member of the Board must notify the Chairman of the Board that he or she is unable to attend the meeting due to an emergency or personal matter and 2) the Member must identify with

[17] The Section added pursuant to resolution dated April 13, 2017.

specificity the nature of the emergency or personal matter, and 3) the Board must record in its minutes the specific nature of the emergency or personal matter and the remote location from which the Member participated. Then that Member may participate from a remote location subject to the following conditions:

i) A quorum of the Board Members of the Authority must be physically assembled at the usual meeting place;

ii) The Board of the Authority shall make arrangements for the voice of the Member participating remotely to be heard by all persons at the meeting place; and

iii) The Member participating remotely shall not cast a tie-breaking vote on any issue or resolution before the Board.

MEMBERS

The Board of the Authority shall have five members appointed by the Board of Supervisors, each to serve term of four years. The four-year terms shall be staggered as shown in the Articles of Incorporation. However, a member shall continue to hold office until their successor has been appointed. Members may succeed themselves.

OFFICERS

At the regular August meeting, the members of the Authority shall elect officers to serve until the next August regular meeting; provided, an officer shall keep their position until their successor is elected. The officers shall be: a Chairman, a Vice-Chairman to act in the absence of the Chairman, a Secretary and a Treasurer. The Secretary and the Treasurer may be the same

person, and do not need to be members of the Board of the Authority. Officers may succeed themselves.

VOTING

Voting on matters that come before the Authority shall be made in open session at a public meeting by voice vote. The names of the persons making the motion, seconding it and voting Aye or Nay shall be recorded in the minutes, except for motions to adjourn.

To be voted upon, a motion must be made and seconded. The Chairman may declare that a motion has died for lack of a second.

The affirmative vote of three members shall be required for any action taken by the Authority, except the approval by a majority of a quorum is all that is required to continue a meeting to another date.

A quorum shall consist of three members.

A motion shall fail on a tie vote.

AGENDA

An agenda shall be prepared by the Chairman prior to any regular or special meeting. Copies shall be provided to the other members, the attorney for the Authority and to any person who so requests, at least three days in advance of the meeting, if possible. Any member, or the attorney for the Authority, may request an item be placed on the agenda up until the day of the meeting. Notice of any item added to the agenda before the meeting and after the

original agenda was circulated, shall be given to the same persons who were provided the original agenda.

At the meeting, items may be added to the agenda by vote of a majority of a quorum; however, no action may be taken on such an added item unless by unanimous vote of those present at the meeting. If such a unanimous vote does not occur, the item shall be placed on the agenda for the next regular meeting, when it shall be considered in regular order.

MINUTES

The Secretary, or some person designated by him/her, shall prepare minutes of each meeting of the Authority, a copy of which shall be provided to each member by no later than seven days after the meeting.

Appendix J[18]

Lien Procedure

The Authority shall file a lien in the land records of the Rappahannock County Circuit Clerk's Office against the property of the User or Landlord if other than User, when the accrued unpaid account balance increases to equal to or greater than two (2) quarterly billing periods.

Notice shall be attached to each quarterly billing statement that contains a past-due account balance.

Notice Example: "A lien is scheduled to be placed on this property on or after __[Date]__ unless the past due account balance of ___(Balance)_____ is paid in full prior to the above date."

[18] Appendix J added by Board Resolution on September 14, 2017.

Appendix K[19]

RAPPAHANNOCK COUNTY WATER & SEWER AUTHORITY

RESOLUTION

AUTHORIZING THE ADOPTION OF PROCEDURES FOR ELECTRONIC PUBLIC MEETINGS AND PUBLIC HEARINGS TO ENSURE THE CONTINUITY OF GOVERNMENT DURING THE COVID-19 PANDEMIC DISASTER

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive "any state requirement or regulation" as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 17, 2020, the Director of Emergency Management of Rappahannock County made a declaration of local emergency (the "Emergency Declaration"), specifically finding that the COVID-19 Pandemic constitutes a "disaster" as defined in

[19] Appendix K added by Board motion on May 14, 2020

Virginia Code § 44-146.16, being a "communicable disease of public health threat"; and

WHEREAS, the Board (the "Board") of the Rappahannock County Water & Sewer Authority (the "Authority") hereby adopts an Emergency Ordinance to Effectuate Temporary Changes in Certain Deadlines and to Modify Public Meeting and Public Hearing Practices and Procedures to Address Continuity of Operations Associated with Pandemic Disaster ("Emergency Resolution"); and

WHEREAS, through this Emergency Resolution, the Board specifically finds that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a "disaster" as defined by Virginia Code § 44-146.16 being a "communicable disease of public health threat" and

WHEREAS, through this Emergency Resolution, the Board further finds that the COVID-19 pandemic makes it unsafe to assemble in one location a quorum of the Board and to conduct meetings in accordance with normal practices and procedures; and

WHEREAS, through this Emergency Resolution, the Board adopts certain procedures to ensure the continuity of the purpose and functions of the Board and the Authority during the COVID19 Pandemic disaster ("Continuity Procedures"), suspended any deadlines applicable to the Rules and Regulations of the Board and its staff during the COVID-19 disaster, and

WHEREAS, the Authority, being a public entity created by the Rappahannock County Board of Supervisors pursuant to Virginia Code § 15.2-5103 and § 15.2-5110 intends to adopt this Emergency Resolution to continue its purpose and projects for which the Authority was created; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby incorporates by reference and adopts all Continuity Procedures prescribed in the attached document; and

BE IT FURTHER RESOLVED that the Board hereby authorizes and directs its officers and staff to take all steps reasonably necessary or appropriate to implement such Continuity Procedures and to develop any specific procedures as applicable and appropriate for the Authority provided that such specific procedures are consistent with the terms and conditions of this Emergency Resolution; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption and shall remain in effect during the pendency of the Emergency Declaration including for any applicable period upon the renewal of the Emergency Declaration by the Director of Emergency Management of Rappahannock County.

ADOPTED by the Board of the Rappahannock County Water & Sewer Authority by a unanimous vote of all members at its regular meeting on April 9th 2020.

APPROVED

DocuSigned by:
82BE42C26312446...
4/9/2020

_____

Alexander Sharp, Chairman

ATTEST:

DocuSigned by:
7ED402F23EA446F...
4/9/2020

Printed Name:_Cheri F Woodard_____

Title: ___Secretary_____

[Attachment to Emergency Resolution]

CONTINUITY PROCEDURES

EMERGENCY PROCEDURES TO EFFECTUATE TEMPORARY CHANGES IN CERTAIN DEADLINES AND TO MODIFY PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH PANDEMIC DISASTER.

1. The COVID-19 pandemic makes it unsafe to assemble in one location a quorum for the Board (the "Board") of the Rappahannock County Water & Sewer Authority or for the Board to conduct meetings in accordance with normal practices and procedures.
2. That in accordance with Virginia Code § 15.2-1413, and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of government during this emergency and disaster:
   a. Any meeting or activities which require the physical presence of members of the Board may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location; and
   b. Prior to holding any such electronic meeting, the Public Entity shall provide public notice of at least 3 days in advance of the electronic meeting by notifying the Rappahannock County Administrator and advertisement in the Rappahannock News if said advertisement is possible during the emergency, identifying how the public may participate or otherwise offer comment; and
   c. Any such electronic meeting the Board shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with the Continuity Procedures; identify Board members members physically and/or electronically present; identify the persons responsible for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and
   d. Any such electronic meeting of the Board shall be open to electronic participation by the public and closed to in-person participation by the public; and

e. Votes taken during the meeting must be taken by roll call, individually recording each member's name and vote; and

f. For any matters requiring a public hearing, public comment may be solicited by electronic means in advance and shall also be solicited through telephonic or other electronic means during the course of the electronic meeting. All such public comments will be provided to members of the Board at or before the electronic meeting and made part of the record for such meeting; and

g. The minutes of all electronic meeting shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify what actions were taken at the meeting. The Board may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended. All such electronic minutes shall be provided to the Rappahannock County Administrator if possible.