

**ORDINANCE NO. 07-17( )**

AN ORDINANCE TO AMEND CHAPTER 17, WATER PROTECTION, OF THE CODE OF THE COUNTY OF ALEMARLE, VIRGINIA, BY AMENDING ARTICLE I, GENERAL, ARTICLE III, STORMWATER MANAGEMENT AND WATER QUALITY, ARTICLE IV, GROUNDWATER ASSESSMENTS, AND BY ADDING ARTICLE V, ILLICIT DISCHARGES AND CONNECTIONS

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 17, Water Protection, is amended and reordained as follows:

**By Amending:**

- Sec. 17-102 Purposes
- Sec. 17-104 Definitions
- Sec. 17-105 Designation of program authority; powers and duties
- Sec. 17-300 Applicability
- Sec. 17-301 Designation of water resources areas
- Sec. 17-402 Tier 2 Assessments
- Sec. 17-403 Tier 3 Assessments
- Sec. 17-404 Tier 4 Assessments

**By Adding:**

- Sec. 17-107 Relation of chapter to other laws
- Sec. 17-500 Applicability
- Sec. 17-501 Illicit discharges prohibited; exempt and authorized discharges
- Sec. 17-502 Illicit connections prohibited
- Sec. 17-503 Dumping prohibited
- Sec. 17-504 Maintaining the functional performance of streams
- Sec. 17-505 Inspections and monitoring
- Sec. 17-506 Discovery, containment, cleanup and notification of discharge
- Sec. 17-507 Penalties and remedies

**CHAPTER 17**

**WATER PROTECTION**

**ARTICLE I. GENERAL**

**Sec. 17-102 Purposes.**

The board of supervisors finds that this chapter is necessary to protect the health, safety and general welfare of the citizens of the county and the Commonwealth of Virginia and to prevent water from being rendered dangerous to the health of persons living in the county, and is supported by the findings of watershed studies that have been conducted. Therefore, the specific purposes of this chapter are to:

1. inhibit the deterioration of state waters and waterways resulting from land disturbing activities;

2. protect the safety and welfare of citizens, property owners, and businesses by minimizing the negative impacts of increased stormwater discharges from new land development and redevelopment;
3. protect against and minimize the pollution and eutrophication of public drinking water supplies resulting from land development;
4. control nonpoint source pollution, erosion and sedimentation, and stream channel erosion;
5. maintain the integrity of existing stream channels and networks for their biological functions, drainage, and natural recharge of groundwater;
6. protect the condition of state waters for all reasonable public uses and ecological functions;
7. provide for the long-term responsibility for and maintenance of stormwater management facilities and best management practices;
8. regulate the discharge of pollutants into storm drainage systems and state waters by prohibiting illicit discharges and connections, and the dumping of refuse and pollutants; the board of supervisors hereby determines that applying such regulations to not only the county's municipal separate storm sewer system but also to privately owned and operated storm drainage systems and state waters is necessary to prevent any further degradation to water resources;
9. facilitate the integration of stormwater management and pollution control with other county ordinances, programs, policies, and the comprehensive plan; and
10. promote the long-term sustainability of groundwater resources.

(§ 7-1, 6-18-75, § 2, 2-11-87, 3-18-92; § 19.1-4, 9-29-77, art. I, § 1, 7-11-90; § 19.2-2, 6-19-91, § 2; § 19.3-3, 2-11-98; Code 1988, §§ 7-1, 19.1-4, 19.2-2, 19.3-3; Ord. 98-A(1), 8-5-98; Ord. 04-17(1), adopted 12-8-04, effective 2-8-05; Ord. 07-17(1), 2-14-07)

**State law reference--**Va. Code §§ 10.1-560 et seq., 10.1-603.1 et seq., §10.1-2108.

**Sec. 17-104 Definitions.**

The following definitions shall apply in the interpretation and implementation of this chapter:

...

(4) *Best management practice (BMP)*. The term “best management practice (BMP)” means a practice or combination of practices, including treatment practices, operating procedures, general good housekeeping practices, pollution prevention, prohibitions of activities, education practices, and other management practices, determined by the program authority to be the most effective, practical means of preventing or reducing the amount of water pollution generated by nonpoint sources to a level compatible with water quality goals.

...

(10) *County engineer.* The term “county engineer” means the county engineer within the department of community development or his designee.

...

(12) *Department of community development.* The term “department of community development” means the county department of community development.

(12.1) *Department of general services.* The term “department of general services” means the county department of general services.

...

(20.1) *Hazardous substance.* The term “hazardous substance” means any substance designated as such under the Virginia Code and 40 CFR Part 116 (2000) pursuant to § 311 of the Clean Water Act, codified in 33 U.S.C. § 1251 *et seq.*

(20.2) *Illicit discharge.* The term “illicit discharge” means any discharge to the storm drainage system that is not composed entirely of stormwater, excepting discharges pursuant to a Virginia Pollutant Discharge Elimination System (“VPDES”) or Virginia Storm Management Program (“VSMP”) permit (other than a VSMP permit for discharges from the municipal separate storm sewer), discharges resulting from fire fighting activities, and discharges identified by and in compliance with 4 VAC 50-60-1220(C)(2), as delineated in section 17-501.

(20.3) *Illicit connection.* The term “illicit connection” means either:

(a) Any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the storm drainage system, and includes but is not limited to: (i) any conveyances that allow sewage, process wastewater, wash water or pollutants to enter the system; and (ii) any connections to the system from indoor drains and sinks, regardless of whether such connections were previously allowed, permitted, or approved by the county or any other government agency; or

(b) Any drain or conveyance connected to the storm drainage system from a commercial or industrial use that has not been approved by the county in a site plan, subdivision plat, or other plan or permit.

...

(26.1) *Municipal separate storm sewer system (“MS4”).* The term “municipal separate storm sewer system” means all separate storm sewers comprising the system of conveyances, including roads with drainage systems, public streets, catch basins, sidewalks, curbs, gutters, ditches, manmade channels, or storm drains: (i) owned or operated by the county; (ii) designed or used for collecting or conveying stormwater; (iii) that are not a combined sewer; and (iv) that are not part of a publicly owned treatment works.

...

(29.1) *Non-stormwater discharge.* The term “non-stormwater discharge” means any discharge to the storm drainage system or state waters that is not comprised entirely of stormwater.

...

(35.1) *Person.* The term “person” means a natural person, corporation, partnership, sole proprietorship, trust, trustee, joint venture, or any other entity.

...

(36.1) *Pollutant.* The term “pollutant” means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 USC §2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(a) The term “pollutant” includes, but is not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquids and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(b) The term “pollutant” does not include: (i) sewage from vessels; or (ii) water, gas, or other material that is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well if the well used either to facilitate production or for disposal purposes is approved by the Virginia Soil and Water Conservation board and if the board determines that the injection or disposal will not result in the degradation of ground or surface water resources.

(36.2) *Premises.* The term “premises” means any building or structure, or any lot or parcel, whether improved or unimproved, and including adjacent curbs, gutters, sidewalks and planting strips.

(37) *Program authority.* The term “program authority” means the department of community development, and except where the context clearly indicates otherwise, includes any officer or employee of the department of community development or the department of general services authorized by the director of the department of community development to act pursuant to this chapter.

...

(43.1) *Storm drainage system.* The term “storm drainage system” means the municipal separate storm sewer system and any privately owned and maintained improvements by which stormwater is collected and/or conveyed and which ultimately discharges to state waters, including but not limited to, street drainage systems, streets, gutters, curbs, inlets, piped storm

drains, pumping facilities, retention and detention basins, human-made or altered drainage channels, ponds, and other drainage structures.

(43.2) *Stormwater*. The term “stormwater” means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

...

(47.1) *Virginia Pollutant Discharge Elimination System (VPDES) permit*. The term “Virginia Pollutant Discharge Elimination System (VPDES) permit” means a document issued by the State Water Control Board pursuant to the State Water Control Law authorizing, under prescribed conditions, the potential or actual discharge of pollutants from a point source to surface waters and the use or disposal of sewage sludge.

...

(§ 7-2, 6-18-75, § 4, 7-9-80, 2-11-87, 3-18-92, § 19.1-5, 9-29-77, art. I, § 2, 9-13-78, 7-11-90, 8-3-94; § 19.2-4, 6-19-91; § 19.3-5, 2-11-98; Code 1988, §§ 7-2, 19.1-5, 19.2-4, 19.3-5; Ord. 98-A(1), 8-5-98; Ord. 07-17(1), 2-14-07)

State law reference--Va. Code §§ 10.1-560, 10.1-603.2.

## **Sec. 17-105 Designation of program authority; powers and duties.**

- A. The board of supervisors hereby designates the department of community development as the program authority.
- B. The program authority shall administer and enforce this chapter as authorized by law.
- C. The program authority shall establish reasonable administrative procedures for the administration of this chapter, including developing and maintaining for article III a design manual containing information about the content of plans required by article III, calculation methods, maintenance and inspection procedures, and other information to assist with the implementation and enforcement of article III. The program authority shall update the design manual periodically. The manual shall be consistent with this chapter and all applicable statutes and regulations.
- D. The program authority shall assure that the erosion and sediment control program set forth in article II is administered by a certified program administrator, a certified plan reviewer, and a certified project inspector. Such positions may be filled by the same person.
- E. The program authority shall take appropriate enforcement actions to achieve compliance with this chapter, and shall maintain a record of enforcement actions for all active land disturbing activities, land developments, illicit discharges, illicit connections, and prohibited dumping.

F. The program authority is authorized to cooperate with any federal or state agency in connection with plans for erosion and sediment control or stormwater management. The program authority may also recommend to the county executive any proposed agreement with such agency for such purposes, which agreement shall be executed, if at all, by the county executive on behalf of the county.

(§ 7-9, 4-21-76, 2-11-87, 3-18-92; § 19.3-6, 2-11-98; Code 1988, §§ 7-9, 19.3-6; Ord. 98-A(1), 8-5-98; Ord. 07-17(1), 2-14-07)

*State law reference--*Va. Code §§ 10.1-562, 10.1-603.3, 10.1-603.12:1 *et seq.*

### **Sec. 17-107 Relation of chapter to other laws**

The requirements of this chapter are:

A. Separate from, but supplementary to, all other applicable requirements of the Code. Compliance with the requirements of this chapter shall not be deemed to be compliance with other applicable ordinances or regulations.

B. Separate from, but supplementary to, all other applicable requirements of state or federal law. If the requirements of this chapter are in direct conflict with mandatory state or federal requirements, then the state or federal requirements shall apply.

C. Separate from the requirements, terms or conditions of any private easement, covenant, agreement or restriction. Neither the county nor any of its officers, employees or agents shall have any duty to enforce a private easement, covenant, agreement or restriction.

## **ARTICLE III. STORMWATER MANAGEMENT AND WATER QUALITY**

### **Sec. 17-300 Applicability.**

Each owner shall comply with the requirements of this article prior to commencing any land development, or allowing any land development to occur, on his property and at all times thereafter.

(§ 19.1-6, 9-29-77, art. II, § 1, 10-19-77, 9-13-78, 10-22-80, 7-11-90, 8-3-94; § 19.2-5, 6-19-91, § 5; § 19.3-24, 2-11-98; Code 1988, §§ 19.1-6, 19.2-5, 19.3-24; Ord. 98-A(1), 8-5-98; Ord. 07-17(1), 2-14-07)

*State law reference--*Va. Code §§ 10.1-603.3, 10.1-603.9, 10.1-2108.

### **Sec. 17-301 Designation of water resources areas.**

In order to better effectuate the purposes of this article, all of the land within the county is hereby designated as being within one or more of the following water resources areas:

A. *Development areas:* Development areas are those areas of land within the county designated as development areas in the land use element of the comprehensive plan, and as shown on the official map of the land use element.

B. *Areas of infill and redevelopment:* Areas of infill and redevelopment are those areas of land within the county that are: (i) within a development area; and (ii) designated as areas of infill and redevelopment for purposes of this article by the board of supervisors, and as shown on the official map adopted showing such areas. The board of supervisors shall designate such areas based on a finding that existing development has altered severely the natural condition of the area, including the presence of vegetation, and that infill and redevelopment activities would serve other community and comprehensive plan goals.

C. *Water supply protection areas:* Water supply protection areas are those areas of land within the county that are within the watershed of a public water supply reservoir or water supply intake, and such areas shall consist of all land within the county that drains naturally to the South Fork Rivanna Reservoir, Beaver Creek Reservoir, Totier Creek Reservoir, Sugar Hollow Reservoir, Ragged Mountain Reservoir, Chris Greene Lake, the North Fork Rivanna River intake, and to any impoundment or water supply intake designated in the future by the board of supervisors as a public water supply reservoir.

D. *Other rural land:* Other rural land consists of those areas of land that are not within a development area, an area of infill and redevelopment, or a water supply protection area.

(§ 19.2-6, 6-19-91, § 6; § 19.3-25, 2-11-98; Code 1988, §§ 19.2-6, 19.3-25; Ord. 98-A(1), 8-5-98; Ord. 07-17(1), 2-14-07)

State law reference--Va. Code § 10.1-2108.

## ARTICLE IV. GROUNDWATER ASSESSMENTS

### Sec. 17-402 Tier 2 assessments.

A Tier 2 assessment shall consist of the program authority reviewing and evaluating the county's well database, available hydrogeologic studies, and information from the Virginia Department of Health and the Virginia Department of Environmental Quality, as provided in chapter 2 of the design standards manual. Based on this evaluation, the program authority may require that the owner provide additional groundwater assessment data prior to subdivision plat or site plan approval, or may require that a Tier 3 assessment be submitted.

(§ 402, Ord. 04-17(1), 12-8-04, effective 2-8-05; Ord. 07-17(1), 2-14-07)

### Sec. 17-403 Tier 3 assessments.

A Tier 3 assessment shall consist of the following:

A. The owner shall submit a draft groundwater management plan with the preliminary plat or site plan. The groundwater management plan shall comply with the requirements for such plans in chapter 2 of the design standards manual. If the groundwater management plan identifies special areas of concern, such as an off-site resource of high groundwater sensitivity or a previously unknown source of contamination, then the program authority may require additional groundwater assessment data prior to preliminary subdivision plat or site plan approval.

B. The owner shall submit a final groundwater management plan that must be approved by the program authority prior to approval of the final plat or site plan.

C. Any structural measures (*e.g.*, best management practices) shall be bonded as a subdivision plat or site plan improvement.

The program authority may require that a Tier 4 assessment be submitted instead of a Tier 3 assessment if the special areas of concern identified in subsection (A) have not been adequately addressed by the additional groundwater assessment data.

(§17-403, Ord. 04-17(1), 12-8-04, effective 2-8-05; Ord. 07-17(1), 2-14-07)

**Sec. 17-404 Tier 4 assessments.**

A Tier 4 assessment shall consist of the following:

A. The owner shall submit a draft groundwater management plan and an aquifer testing workplan complying with the requirements for such plans in chapter 2 of the design standards manual, with the preliminary plat, preliminary site plan, or the application for a central water supply. The groundwater management plan must demonstrate to the program authority's satisfaction that the site's groundwater conditions have been considered with the subdivision or site plan's layout and design. The aquifer testing workplan must be approved by the program authority before the owner may conduct aquifer testing as required by subsection (B).

B. After the program authority approves the aquifer testing workplan, the owner shall conduct aquifer testing as provided in the workplan.

C. The owner shall submit a final groundwater management plan and a groundwater assessment report complying with the requirements for such a report in chapter 2 of the design standards manual, based upon the results of the aquifer testing. The final groundwater management plan and the groundwater assessment report must be approved by the program authority prior to final subdivision plat or site plan approval.

D. Any structural measures (*e.g.*, best management practices) shall be bonded as a subdivision plat or site plan improvement.

(§404, Ord. 04-17(1), 12-8-04, effective 2-8-05; Ord. 07-17(1), 2-14-07)

**ARTICLE V. ILLICIT DISCHARGES AND CONNECTIONS**

**Sec. 17-500 Applicability.**

This article shall apply to all activities that cause or allow to be caused direct or indirect illicit discharges, illicit connections, and the prohibited dumping of refuse and pollutants, or which negatively impede the flow capacity of the storm drainage system or state waters that (i) are not covered by other articles of this chapter and (ii) are not expressly exempt from this article.

**State law reference--**Va. Code §§ 10.1-603.3, 10.1-603.7.

**Sec. 17-501 Illicit discharges prohibited; exempt and authorized discharges.**

No person shall throw, drain, or otherwise discharge, cause or allow others under their control to throw, drain, or otherwise discharge into the storm drainage system or state waters any pollutants or waters containing any pollutants, other than stormwater. The commencement, conduct, or continuance of any such illicit discharge to the storm drainage system or state waters is prohibited, subject to the following:

A. *Conditionally exempt discharges.* The following discharges are conditionally exempt from this article:

1. Discharges pursuant to a Virginia Pollutant Discharge Elimination System (“VPDES”) or Virginia Storm Management Program (“VSMP”) permit (other than a VSMP permit for discharges from the municipal separate storm sewer);
2. Discharges resulting from fire fighting and other public safety activities;
3. Discharges associated with the maintenance or repair of public water, sanitary, and storm sewer lines, and public drinking water reservoirs and drinking water treatment or distributions systems conducted in accordance with applicable federal and state regulations and standards;
4. Discharges associated with any activity by the county, its employees and agents, in the maintenance of any component of a county-maintained stormwater management facility conducted in accordance with applicable federal and state regulations and standards;
5. Discharges specified in writing by the program authority as being necessary to protect public health and safety;
6. Water line flushing;
7. Landscape irrigation and lawn watering;
8. Non-point discharges associated with agricultural and silvicultural operations;
9. Diverted stream flows;
10. Rising ground water, springs, uncontaminated ground water infiltration, and pumped ground water;
11. Flows from riparian habitats and wetlands;
12. Discharges from potable water sources, foundation drains, and air conditioning condensation;
13. Water from crawl space pumps and footing drains;
14. House washing and individual car washing on residential lots;

15. De-chlorinated swimming pool discharges having less than 1 part per million chlorine and discharges from hot tubs;
16. Street wash water;
17. Water from washed parking lots or sidewalks to remove algae or oil buildup;
18. Application of salts or other de-icing substances to streets, sidewalks and parking lots.
19. Discharges associated with dye testing, provided that the program authority is notified in writing before the test.

If the program authority determines that any of these exempted activities are causing adverse impacts to state waters in a specific case, the program authority may revoke the exemption for that specific case and such revocation shall be effective from the date the person responsible for the discharge is informed in writing of the determination that the exemption is revoked.

B. *Discharges authorized by VPDES permit, waiver or waste discharge order.* The prohibition shall not apply to any non-stormwater discharge permitted under a VPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations and provided that written approval has been granted for any discharge to the storm drainage system.

**State law reference--**Va. Code §§ 10.1-603.3, 10.1-603.7.

### **Sec. 17-502 Illicit connections prohibited.**

The construction, use, maintenance, or continued existence of illicit connections to the storm drainage system is prohibited.

A. *Pre-existing illicit connections.* Any illicit connection previously authorized before the effective date of this chapter shall comply with the requirements of this chapter by December 31, 2007, or such later date as expressly authorized by the program authority upon good cause shown by the person requesting the extension.

B. *Disconnection and redirection.* Any illicit connection shall be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Albemarle County Service Authority.

C. *Locating undocumented connections.* Any drain or conveyance that has not been documented in plans, maps, or their equivalent and which appears to be connected to the storm drainage system shall be located by the owner, occupant, lessee, principal, agent, employee or otherwise, of that property within the time period specified in the written notice of violation from the program authority requiring that the connection be located. The notice shall require that: (i)

the location of the drain or conveyance be determined; (ii) the drain or conveyance be identified as a storm sewer, sanitary sewer, or other; and (iii) the outfall location or point of connection to the storm drainage system, sanitary sewer system, or other discharge point be identified. The results of these investigations shall be documented and provided to the program authority.

**State law reference--**Va. Code §§ 10.1-603.3, 10.1-603.7.

### **Sec. 17-503 Dumping prohibited.**

No person, whether the owner, occupant, lessee, principal, agent, employee or otherwise, may dump or discharge, or allow any other person to dump or discharge, refuse, as that term is defined in section 13-100 of the Code, or any other material or pollutant, natural or synthetic, into the storm drainage system or a natural stream, unless the dumping or discharge is expressly authorized by the Code.

### **Sec. 17-504 Maintaining the functional performance of the storm drainage system and streams.**

The storm drainage system and natural streams shall be maintained as follows:

A. *Keeping the storm drainage system and natural streams free of refuse and other obstacles.* Every person, whether the owner, occupant, lessee, principal, agent, employee or otherwise, owning, occupying or otherwise responsible for the condition of the property through which a privately-maintained storm drainage system or natural stream passes, shall maintain the part of such system or stream on the property free of refuse, as that term is defined in section 13-100 of the Code, and other obstacles that would pollute, contaminate, or adversely impact the system's or stream's functional performance.

B. *Maintaining structures within the flood hazard overlay district.* Every person, whether the owner, occupant, lessee, principal, agent, employee or otherwise, owning, occupying or otherwise responsible for the condition of the property through which a natural stream passes, shall maintain existing privately-owned structures within the flood hazard overlay district established under section 18-30.3 of the Code so that such structures do not become a hazard to the use, function, or physical or ecological integrity of the stream.

**State law reference--**Va. Code §§ 10.1-603.3, 10.1-603.7.

### **Sec. 17-505 Inspections and monitoring.**

The program authority is authorized to assure compliance with the requirements of this article as follows:

A. *Inspections and monitoring, generally.* The program authority is authorized to conduct inspections of private property and to conduct monitoring of storm drainage systems, natural streams, and facilities permitted by VPDES permits, in the manner authorized by law to assure compliance with the requirements of this article.

B. *Inspection of records of VPDES permittees.* Every VPDES permittee shall allow the program authority to examine VPDES application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of the permittee's discharge on the quality of state waters, such other information as may be necessary to accomplish the

purposes of this article, including records required to be kept under the conditions of the permit, and enforcement records such as inspection reports, notices of violation, and documents detailing the nature of any land disturbing activity that may have occurred, or similar documents, that are not exempt from disclosure under Virginia Code § 10.1-603.12:2.

C. *Monitoring and sampling equipment on VPDES permitted facilities.* The program authority is authorized, either under a condition of the VPDES permit, with the permittee's consent or by court order: (i) to establish on any permitted facility such devices as are necessary in the opinion of the program authority to conduct monitoring and/or sampling of the facility's stormwater discharge; and (ii) to require the permittee to install monitoring equipment as the program authority deems necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the permittee at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

D. *Obligation of VPDES permittee to assure clear access.* At the written or oral request of the program authority, every VPDES permittee shall promptly remove any temporary or permanent obstruction to safe and easy access to the permitted facility to be inspected and/or sampled, and such obstructions shall not be replaced. The costs of removing such obstructions shall be borne by the operator.

State law reference--Va. Code §§ 10.1-603.3, 10.1-603.7, 10.1-603.12:1, 10.1-603.12:2.

## **Sec. 17-506 Discovery, containment, cleanup and notification of discharge.**

If a discharge occurs or is suspected to have occurred, the following procedures shall apply:

A. *Discovery, containment and cleanup.* Notwithstanding any other requirement of law, as soon as any person responsible for a facility, operation, or activity, or responsible for the emergency response for a facility, operation, or activity, has information of any known or suspected discharge of substances which are resulting or may result in an illicit discharge into the storm drainage system or state waters, that person shall take all necessary steps to ensure the discovery, containment, and cleanup of the discharge.

B. *Notification.* The person identified in subsection (A) also shall provide the following notification of the discharge: (i) if the discharge contains, or may contain, a hazardous substance, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services; and (ii) if the discharge contains, or may contain, only non-hazardous substances, the person shall notify the program authority in person, by phone, by email, or by facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the program authority within five (5) business days of the phone notice.

C. *Record of discharge from commercial or industrial establishment.* If an illicit discharge is from a commercial or industrial establishment, the owner or operator of the establishment shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least two (2) years and a copy

thereof shall be provided to the program authority within fifteen (15) days of the date of the discharge.

State law reference--Va. Code §§ 10.1-603.3, 10.1-603.7, 10.1-603.11.

**Sec. 17-507 Penalties and remedies.**

The penalties and other remedies for a violation of this article shall be as provided in Virginia Code § 10.1-603.14.

State law reference--Va. Code § 10.1-603.14.

I, Ella W. Carey, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of \_\_\_\_\_ to \_\_\_\_\_, as recorded below, at a regular meeting held on \_\_\_\_\_.

\_\_\_\_\_  
Clerk, Board of County Supervisors

	Aye	Nay
Mr. Boyd	_____	_____
Mr. Dorrier	_____	_____
Mr. Rooker	_____	_____
Mr. Slutzky	_____	_____
Ms. Thomas	_____	_____
Mr. Wyant	_____	_____