



MEMORANDUM

To: Board of Directors
From: Gary B. O'Connell, Executive Director
Date: August 10, 2010
Re: Proposed Change to Rules and Regulations, Section 16
cc: James M. Bowling, IV

As I mentioned and we discussed at last month's Board meeting, we recently discovered that our latest revision of Section 16, Emergency Water Restrictions, did not include language that was agreed to following near water restrictions in 2007. In a meeting after a drought was averted in 2007, representatives from the City, RWSA, and ACSA met to critique events and to make improvements where needed. One item that all parties agreed to was that having "one voice" when it came to alerting the public would be less confusing for all, and that having Rivanna declare a Drought Watch would be the best way to send the "one voice" message.

As you are aware, Rivanna (RWSA) is the keeper of the hydraulic model to determine if a drought watch is declared based on a 12-week future probability (an article about the hydraulic model that Rivanna uses is included in the Board packet within the Items Not on the Agenda). If a Drought Watch were ever to be declared, we would work with the City, and Rivanna to get a common message out about water conserving measures the public should take. The next drought stage ("Drought Warning") legally requires the County Board of Supervisors to formally declare a Drought Emergency upon request from the ACSA Board.

Attached for your review is a proposed resolution amending Section 16.

Board Action

With the Board's concurrence, staff recommends the attached resolution be adopted, and the Rules and Regulations be amended. The only change is to the declaration of the Drought Watch Stage, that the "Rivanna Water and Sewer Authority (RWSA) determines when the water supply is threatened by drought conditions."

GBO/anw

010101 Board Memo Re R&R Change Section 16 081110

SECTION 16 – EMERGENCY WATER RESTRICTIONS [Revised 07/19/07, Revised 09/18/07, Revised 02/19/09, [Revised 08/19/10](#)]

16-01. GENERAL.

The ACSA shall in drought or emergency conditions initiate certain actions to restrict the use of water in any or all of its service areas.

16-02. DROUGHT CONDITIONS.

A. Drought Watch Stage

Whenever the ~~Board of Directors~~[Rivanna Water and Sewer Authority \(RWSA\)](#) determines that the water supply in any of the service areas is threatened by drought conditions, the ~~Board of Directors~~[RWSA](#) shall declare a Drought Watch. During a Drought Watch, the ACSA shall request that each customer initiate voluntary water restrictions and encourage that the watering of outside shrubbery, trees, lawns, grass, plants, home vegetable gardens, or any other vegetation be conducted only between the hours of 9:00 p.m. and 10:00 a.m., and only as necessary to preserve plant life.

B. Drought Warning Stage

Whenever the Board of Directors determines that the water supply in any of the service areas is threatened by drought conditions, and where restrictions on water use are necessary to preserve an available supply of water, the Board of Directors shall request a declaration of emergency by the Board of Supervisors. Upon the declaration of emergency by the Board of Supervisors, the Board of Directors shall declare a Drought Warning and the following restrictions will apply:

1. The washing of automobiles, trucks, trailers or any other type of mobile equipment shall only be performed in a licensed certified vehicle wash facility.
2. The washing of sidewalks, streets, driveways, parking lots, service station aprons, or other outdoor surfaces shall be prohibited, except where mandated by state or local ordinance. The washing of exterior buildings shall be prohibited, except when performed by a licensed commercial power-washing company with written approval from the ACSA.
 - a. The watering of outside established trees, plants, shrubs, and home gardens shall only be conducted manually, using a non-leaking hose with an automatic shut-off nozzle, and only as necessary to preserve plant life. The use of outside, automatic irrigation systems, including in-ground systems, hoses, and oscillating sprinklers, shall be prohibited for all established lawns, trees, plants, shrubs, and home gardens. This limitation shall not apply to athletic fields and courts which may be watered only between the hours of 9:00 p.m. and 10:00 a.m., and only as necessary to preserve plant life.
 - b. Newly seeded lawns and plantings shall be installed by a licensed contractor and shall have a 45-day establishment period from the date of installation. Sodded lawns shall be installed by a licensed contractor, shall have a 20-day establishment period and shall use no more than ½ inch of water over the sodded area daily. Irrigation of newly installed plantings, and seeded and sodded lawns shall be conducted only between the hours of 9:00 p.m. and 10:00 a.m. Prior to installing the new plantings and lawns by a licensed contractor, the customer shall provide the following to the ACSA:
 1. A written estimate of the amount of water to be used during the establishment period.
 2. A dated receipt from the licensed contractor noting the anticipated date of installation.
 3. The irrigation method to be used.

Upon receipt of the above stated items, the ACSA shall issue a written notification of approval. Failure to provide required information or initiating installation prior to receipt of written approval shall be deemed a violation.

- c. Testing and servicing of outside, automatic irrigation systems may be completed during a Drought Warning, only if the contract to install the system is dated prior to the declaration

- of the Drought Watch, and a copy is provided to the ACSA.
4. The operation of any ornamental fountain or other structure with a similar use of water shall be prohibited.
 5. The filling and topping of swimming or wading pools requiring more than five (5) gallons of water, shall require written approval from the ACSA. Approval shall only be considered for those swimming or wading pools contracted to be installed prior to the declaration of the Drought Watch. A copy of the contract shall be provided to the ACSA.
 6. The serving of drinking water in restaurants shall be prohibited, except upon request.
 7. The use of water from fire hydrants for any purposes other than fire suppression shall be prohibited, unless otherwise specifically approved by the Executive Director.
 8. The operation of any water-cooled comfort air-conditioning, which does not have water-conserving equipment in operation.
 9. All commercial lodging establishments shall adopt a policy which limits the daily changing of washable linens and towels, and communicate that policy to their employees and guests.
 10. The use of water through an exclusion meter shall be prohibited.

C. Drought Emergency Stage

Whenever the Board of Directors determines that the water supply in any of the service areas is threatened by drought conditions, the Board of Supervisors has declared an emergency, and where more restrictions than previously enacted on water use are necessary to preserve an available supply of water, the Board of Directors shall declare a Drought Emergency and the following additional restrictions will apply:

1. All water leaks on customers' piping shall be repaired within three (3) business days after notification by the ACSA.
2. All outdoor watering is prohibited.
3. All businesses, institutions and governmental entities shall develop and implement a written plan that will reduce the business's or entity's current use of water by twenty percent (20%). Usage shall be based on the customer's average monthly use for the twelve (12) month period prior to declaration of the Drought Emergency Stage. The Executive Director shall establish a monthly usage benchmark for all businesses without a twelve (12) month billing history. This plan shall be submitted to ACSA within fourteen (14) calendar days of notification of the Drought Emergency Stage.
4. All businesses, institutions and governmental entities shall prominently display, at their entrance and in each restroom and shower, signs indicating the current water emergency.
5. Emergency water rates designed to drive down water use shall be enacted. [See Appendix B for rates in effect.]
6. All exemptions previously granted under Drought Warning Stage restrictions are cancelled. Customers previously granted exemptions may reapply for exemption.
7. In order to preserve water supply availability for all customers, Drought Warning Stage and Drought Emergency Stage restrictions shall also apply to customers served by the Scottsville and Crozet water systems.

16-03. OTHER ACTIONS.

Should measures taken pursuant to Section 16.02 prove insufficient to preserve sufficient supplies of water for the citizens of the County, the ACSA may also restrict or discontinue the supply of water to any industrial or commercial activity which uses water beyond sanitary and drinking needs of its employees and invitees, and declare a moratorium on new water connections to buildings issued a building permit after the date of declaration of emergency, and restrict water use to basic human needs only.

16-04. SUDDEN CATASTROPHIC EVENTS.

The Executive Director or Board of Directors shall declare an emergency and seek similar declaration from Board of Supervisors restricting water use as deemed appropriate for the severity of the event.

16-05. COMPLIANCE.

The Executive Director shall be authorized to issue orders to effect compliance with the emergency

ordinance. The ACSA may, upon written application, permit an exemption for less than full compliance with any order of the Executive Director issued pursuant to this ordinance when, in its judgment, full compliance or compliance to any extent would create an unjust hardship.

16-06. PENALTIES.

The ACSA may impose a penalty charge on any person violating any provision of this section. For the first offense, violators shall be assessed a penalty charge of \$500. For the second and subsequent offenses, violators shall be assessed a penalty charge of \$1,000. In addition to the penalty charge, the ACSA may terminate water service to any violator for the duration of the emergency.

16-07. APPEALS.

A. Any person subject to an order from the Executive Director issued pursuant to this ordinance may apply to the ACSA for an exemption from the restricted water use. Such application for exemption shall be in writing and filed with the Executive Director of the ACSA.

1. Any person aggrieved by an order of the Executive Director shall have the right of appeal to the Appeals Board appointed by the Board of Directors. The Appeals Board shall consist of any two members of the Board of Directors and one citizen appointed by the Board of Directors.
 2. Notice of the appeal shall be in writing and filed in the office of the Executive Director within five (5) days after the date of the order of the Executive Director.
 3. The appeal shall be heard by the Appeals Board within 30 days of receipt of the written appeal and a decision rendered within 10 days of the hearing.
 4. Every decision of the Appeals Board under this ordinance shall be final, subject to such remedy as any aggrieved party might have at law or in equity.
 5. The Executive Director shall be authorized to issue temporary waivers or exemptions within the provisions of the emergency ordinance for such periods of time as may be necessary for the Appeals Board to formally consider such or for the Appeals Board to take appropriate action.
- a. Persons who have been assessed a penalty charge shall have the right to challenge the assessed charge by providing a written notice to the Executive Director within ten (10) days of the date of the assessment of the penalty charge. The Executive Director or his designee shall determine whether the penalty charge was properly assessed and notify the complaining person in writing of his determination. Any person aggrieved by the decision of the Executive Director may appeal that decision to the Appeals Board by filing an appeal in writing within five (5) days of notice of the Executive Director's decision. The Executive Director or his designee, or upon appeal, the Appeals Board, may waive the penalty charge if it is determined that the violation occurred due to no fault of the person.

16-08. NOTICE AND DURATION OF RESTRICTIONS.

The above restrictions shall become effective upon their being printed in any newspaper of general circulation in the County of Albemarle, or broadcast upon any radio or television station serving the County of Albemarle. Drought Watch Stage, Drought Warning Stage and Drought Emergency Stage restrictions shall remain in full force and effect until the Board of Directors determines that a water emergency in Albemarle County no longer exists.

MEMORANDUM

To: Gary O'Connell, Executive Director
From: Tim Brown, Environmental Compliance Specialist
Date: August 16, 2010
Re: Carwash Certification Program
cc: Katrina Thraves

I met again this morning with Jennifer Patterson, City of Charlottesville Utilities Division Project Manager, to finalize our discussions concerning the Carwash Certification Program (CCP). As you know, we have worked together over the past several weeks in an effort to jointly move forward on initiating this program.

It appears as if the few distinctions between our CCP Ordinance (Section 18 of the *Rules and Regulations*) and the City program document have been resolved. The City has agreed to modify its document to state that a licensed carwash facility must be certified by this program in order to remain open during a drought warning stage (see our Section 16-02.B.1, Emergency Water Restrictions). During a drought warning, the carwash facility, with the exception of self-serve carwashes, must use a minimum of 40% reclaimed water in the wash process (Section 18-07).

However, we must revise our ordinance to reflect a change in the application and annual renewal fee (Sections 18-03.1 and 18-03.2), based upon the bids received for a contract Carwash Inspector. The only bid received by the City in the joint Invitation for Bids was for inspection services at One Hundred Fifty Dollars (\$150.00) per facility.

Therefore, I request that the Board revise Sections 18-03.1 and 18-03.2 to read \$150.

Thank you.

SECTION 18 – CARWASH CERTIFICATION PROGRAM [Added 02/19/2009, Revised 08/19/10]

18.01 General

The Carwash Certification Program (CCP) is adopted as a program for the carwash facilities located in Albemarle County. The intent of the Program is to establish general operating standards for the various kinds of carwashes; which will encourage water conservation and the efficient and responsible use of water in all aspects of the industry.

18.02 Application and Inspection

A. Application

Carwash facilities in Albemarle County may apply to participate in the certification program. The CCP shall be administered by the ACSA. The Application Form shall identify each Carwash facility seeking designation, shall state its average daily water usage, the type of water reclaim equipment in use, and how reclaim water is used in the wash process.

The applicant shall certify compliance with the criteria applicable to the particular type of carwash operation.

B. Inspection

An applicant applying to participate in the CCP is subject to inspection by the ACSA, or its representative, to determine that the facility meets all appropriate criteria. Inspections shall be conducted at reasonable times, and may be conducted without notice. Inspections shall be conducted annually.

If during an inspection, it is discovered that a participant's carwash is not in compliance with the applicable criteria, the ACSA shall:

1. Issue a notice to the owner of the facility specifying the criteria not in compliance and providing 14 days for the facility to repair the deficiencies, or additional time that may be appropriate under the circumstances.
2. If the reported deficiencies are not repaired in the appropriate time period, the ACSA shall revoke the certificate of participation of the Carwash and shall require removal of signage advertising participation in the CCP.

18.03 Fees and Charges

An applicant to the CCP shall pay:

1. An application fee of ~~\$100~~150; and;
2. An annual renewal fee of ~~\$100~~150.

18.04 Operating Standards

A. General Standards

All carwashes, self-serve, in-bay automatic and conveyor, shall meet the following criteria:

1. Each water usage device shall be maintained to original or improved specifications for the conservation of water;
2. Each spray nozzle shall be replaced annually;
3. Any water leak shall be repaired immediately;
4. Each toilet in use shall be replaced with a 1.6 gallon toilet;
5. Water discharged from a reverse osmosis water treatment process shall be reused in the wash water holding tank;
6. Each employee shall be given written and oral information and training when hired to

ensure a better understanding of sound water conservation practices as it relates to applicable employment responsibilities.

B. Self-Service Carwash Criteria

1. Each chamois wringer sink shall be equipped with positive shut-off valves;
2. Each high pressure pump system and nozzle shall be calibrated to flows no greater than 3.5 gallons per minute by adjusting the pressure discharged by the pump and replacing the nozzle as appropriate;
3. The freeze protection or weep system shall be properly serviced and maintained.

C. In-Bay Automatic Carwash Criteria

1. A chamois wringer sink shall be equipped with positive shut-off valves;
2. Where feasible, a 5 second dwell time shall be created before the customer's vehicle exits the bay to enable water to run off the vehicle into the bay collection pit;
3. Reclaim Water Requirement: a minimum of 20% of the water used in the wash process shall be reclaimed water.

D. Conveyor Carwash Criteria

1. Automatic high-level shut-off valves shall be installed in all towel and chamois washing machines;
2. Reclaim Water Requirement: a minimum of 20% of the water used in the wash process shall be reclaimed water.

18.05 Signage and Advertising

- A. A certified carwash may display signage, approved by the ACSA, advertising that the Carwash is certified as participating in the CCP.
- B. A certified carwash may be identified on a list published by the ACSA advertising that the carwash is certified in the CCP.
- C. A certified carwash may use a logo or phrase, approved by the ACSA, in advertising, mailings, and other promotional material indicating that the carwash is certified as participating in the CCP.

18.06 Drought Watch

During a Drought Watch, the certified carwash will:

1. Use only reclaim water to irrigate landscaping;
2. Clean all driveways and impervious areas by sweeping instead of washing;
3. Adjust each high-pressure pump to a maximum of 1,000 psi.

18.07 Drought Warning

During a Drought Warning, all certified licensed carwash facilities, except self-service carwashes, shall use a minimum of 40% reclaimed water in the wash process.

18.08 Drought Emergency

During a Drought Emergency, all certified licensed carwashes shall reduce water consumption by the percentage required of other commercial water users.