

# Virginia Administrative Code

## 12VAC5-600-10. Definitions.

As used in this chapter, unless otherwise defined, words and terms are the same as those in § 32.1-167 of the Code of Virginia or in 12VAC5-590-10 (Waterworks Regulations) and shall have the following meanings unless the context clearly indicates otherwise:

"Board" means the State Board of Health.

"Commissioner" means the State Health Commissioner who is the executive officer of the State Board of Health.

"Community waterworks" means a waterworks that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

"Customer account" means (i) a metered or unmetered potable water service connection to the customer that is billed in any way by the waterworks owner or (ii) where any community waterworks sends no billing, the customer accounts shall be defined as equal to the population served divided by four.

"Department" means the Virginia Department of Health.

"Due" means received or postmarked by the stated date.

"Fiscal year" means the year from July 1 to June 30.

"Nontransient noncommunity waterworks" or "NTNC" means a waterworks that is not a community waterworks and that regularly serves at least 25 of the same persons over six months out of the year.

"Owner" means an individual, group of individuals, partnership, firm, association, institution, corporation, governmental entity, or the federal government that supplies or proposes to supply water to any person within this Commonwealth from or by means of any waterworks.

"Service connection" means the point of delivery of water to a customer's building service line as follows:

1. If a meter is installed, the service connection is the downstream side of the meter;
  2. If a meter is not installed, the service connection is the point of connection to the waterworks;
- or
3. When the waterworks owner is also the building owner, the service connection is the entry

point to the building.

"Waterworks" means a system that serves piped water for human consumption to at least 15 service connections or 25 or more individuals for at least 60 days out of the year. "Waterworks" includes all structures, equipment and appurtenances used in the storage, collection, purification, treatment and distribution of pure water except the piping and fixtures inside the building where such water is delivered.

Statutory Authority

§§ 32.1-12 and 32.1-170 of the Code of Virginia.

Historical Notes

Derived from VR 355-18-014 § 1.1, eff. July 1, 1993; amended, Virginia Register Volume 29, Issue 4, eff. November 22, 2012; Volume 31, Issue 1, eff. October 10, 2014.

**12VAC5-600-20. Purpose of the regulation.**

The regulation establishes a waterworks operation fee schedule where the number of customer accounts of a community waterworks is the basis for assessing charges to the community waterworks. The fee schedule for nontransient noncommunity waterworks is based on the waterworks being classified as a nontransient noncommunity waterworks. No owner shall pay more than \$160,000 per year per waterworks, nor is it the intent that an owner be charged this fee on water transferred to another waterworks.

Statutory Authority

§§ 32.1-12 and 32.1-170 of the Code of Virginia.

Historical Notes

Derived from VR 355-18-014 § 2.1, eff. July 1, 1993; amended, Virginia Register Volume 29, Issue 4, eff. November 22, 2012.

**12VAC5-600-30. Compliance with the Administrative Process Act.**

The provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) shall govern the promulgation and administration of this chapter.

Statutory Authority

§§ 32.1-12 and 32.1-170 of the Code of Virginia.

Historical Notes

Derived from VR 355-18-014 § 2.2, eff. July 1, 1993; amended, Virginia Register Volume 29, Issue 4, eff. November 22, 2012.

**12VAC5-600-40. Powers and procedure of regulation not exclusive.**

The commissioner may enforce this chapter through any means lawfully available including, but not limited to, the revocation of the waterworks operation permit (see § 32.1-174 of the Code of Virginia).

Statutory Authority

§§ 32.1-12 and 32.1-170 and 32.1-171.1 of the Code of Virginia.

Historical Notes

Derived from VR 355-18-014 § 2.3, eff. July 1, 1993.

**12VAC5-600-50. Community waterworks operation fee.**

A. An annual waterworks operation fee, not to exceed \$160,000, shall be charged as of July 1 of each fiscal year to the owner of each community waterworks in an amount as follows:

For each fiscal year: the number of customer accounts multiplied by no more than \$3.00.

B. The fee shall be paid to the department and be due as follows:

1. If the fee established in subsection A of this section is \$400 or less, the fee shall be due in a lump sum on August 1;
2. If the fee established in subsection A of this section is more than \$400, the fee shall be due in a lump sum or equal quarterly installments each year as follows:
  - a. August 1—The lump sum or first quarterly installment.
  - b. November 1—The second quarterly installment.
  - c. February 1—The third quarterly installment.
  - d. May 1—The fourth quarterly installment.

C. Data verification. The number of customer accounts will be based on the best available data for a maximum period of six months prior to the close of business on June 30 each year as provided by the owner or chief administrative officer to the department. This verification shall be provided to the department by the owner of each community waterworks at the address specified in 12VAC5-600-100 and is due by August 1 of each year with the appropriate payment.

Statutory Authority

§§ 32.1-12 and 32.1-170 of the Code of Virginia.

#### Historical Notes

Derived from VR 355-18-014 § 3.1, eff. July 1, 1993; amended, Virginia Register Volume 15, Issue 20, eff. July 21, 1999; Virginia Register Volume 29, Issue 4, eff. November 22, 2012.

#### **12VAC5-600-60. Nontransient noncommunity (NTNC) waterworks operation fee.**

A. An annual waterworks operation fee shall be charged as of July 1 of each fiscal year to the owner of each NTNC waterworks. For each fiscal year, an amount of no more than \$90 per NTNC waterworks shall be assessed.

B. The fee shall be due to the department every November 1.

#### Statutory Authority

§§ 32.1-12 and 32.1-170 of the Code of Virginia.

#### Historical Notes

Derived from VR 355-18-014 § 3.2, eff. July 1, 1993; amended, Virginia Register Volume 15, Issue 20, eff. July 21, 1999; Volume 29, Issue 4, eff. November 22, 2012.

#### **12VAC5-600-70. Notice.**

The department will send to each waterworks owner a payment form/data verification notice as prescribed by the department on or before July 1 of each year. Failure to receive this notice does not relieve the responsibility of the owner from providing payments or verification.

#### Statutory Authority

§§ 32.1-12 and 32.1-170 of the Code of Virginia.

#### Historical Notes

Derived from VR 355-18-014 § 3.3, eff. July 1, 1993; amended, Virginia Register Volume 29, Issue 4, eff. November 22, 2012.

#### **12VAC5-600-80. Refundability.**

The fees established in 12VAC5-600-50 and 12VAC5-600-60 are nonrefundable but are credited to any new owner of the same waterworks.

#### Statutory Authority

§§ 32.1-12 and 32.1-170 and 32.1-171.1 of the Code of Virginia.

## Historical Notes

Derived from VR 355-18-014 § 3.4, eff. July 1, 1993.

### **12VAC5-600-90. Exemptions.**

Customer accounts through which water is sold or delivered to another waterworks are exempted from the fee calculated in 12VAC5-600-50.

## Statutory Authority

§§ 32.1-12 and 32.1-170 and 32.1-171.1 of the Code of Virginia.

## Historical Notes

Derived from VR 355-18-014 § 3.5, eff. July 1, 1993.

### **12VAC5-600-100. Payments.**

Payments are to be made payable to: VDH - Waterworks Technical Assistance Fund and sent to:

Virginia Department of Health

Office of Drinking Water

Madison Building, 6th Floor

109 Governor Street, Room 622

Richmond, Virginia 23219

## Statutory Authority

§§ 32.1-12 and 32.1-170 of the Code of Virginia.

## Historical Notes

Derived from VR 355-18-014 § 3.6, eff. July 1, 1993; amended, Virginia Register Volume 29, Issue 4, eff. November 22, 2012.

### **12VAC5-600-110. Late fees and administrative charges.**

In addition to the powers in 12VAC5-600-40, operation fees not received or postmarked by the due date shall be subject to interest, administrative charges, and late penalty fees in accordance with § 2.2-4805 of the Code of Virginia.

## Statutory Authority

§§ 32.1-12 and 32.1-170 of the Code of Virginia.

## Historical Notes

Derived from VR 355-18-014 § 3.7, eff. July 1, 1993; amended, Virginia Register Volume 29, Issue 4, eff. November 22, 2012.

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109 Governor Street, 6th Floor, Richmond, VA 23219  
Phone: (804) 864-7501 Fax: (804) 864-7521

**WATERWORKS OPERATION FEE**

**BW\$D\$**

**Remit To:** Office of Drinking Water  
Virginia Department of Health  
109 Governor Street, 6th Floor  
Richmond, Virginia 23219-3635

VDH Federal Identification Number: 546001775

**Payment Terms:**

All checks should be made payable to: VDH - Waterworks Technical Assistance Fund. All payments received will be applied to the oldest outstanding amount due.

For questions or payment arrangements: Leigh Estes, ODW Business Manager, (804) 864-7505

Check/money orders: Return this invoice/data verification notice with your payment in the enclosed envelope. There will be a \$50 charge applied for checks returned due to insufficient funds, stale dates, account closure, and dishonored credit/debit card payments.

EFT/State Agencies: Indicate the Invoice Bill ID number on remittance/documentation.

PWS Type C: Annual billings of \$400 or greater are automatically eligible for quarterly installment payments. The first installment is due August 1. Annual billings less than \$400 are due in full August 1. The annual charge is \$2.95 per connection.

PWS Type P: The annual charge is a flat fee of \$90 and is due November 1.

Bill ID	Owner ID	Billing Period
		PWS Type C - \$2.95 per connection
		July 1, 2012 - June 30, 2013

**Make corrections in the shaded areas provided and pay the corrected amount.**

PWS ID	PWS Name	PWS Type	Connections	Extended Price
				Subtotal:
				Other: No fees are to exceed \$160,000
				Total:

*The information on this invoice is true, accurate, and correct to the best of my knowledge, and I will clarify or supplement information pertaining to this invoice upon request. Any corrections are made in the shaded areas provided.*

Chief Administrative Officer, Owner, or Responsible Owner Representative: \_\_\_\_\_ Phone: \_\_\_\_\_

Title: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Printed Name: \_\_\_\_\_

Owner's Federal ID Number/ VA Drivers License Number/ Social Security Number: \_\_\_\_\_

**UPDATE OF CONTACT INFORMATION**

Since my last bill my contact information (name, phone numbers, email address, etc.) Check One:

Has Not Changed

Has Changed

*If your information has changed, an Office of Drinking Water representative will contact you to update our records.*

109 Governor Street, 6th Floor, Richmond, VA 23219  
 Phone: (804) 864-7501 Fax: (804) 864-7521

**WATERWORKS OPERATION FEE**

**BWS&J**

**Remit To:** Office of Drinking Water  
 Virginia Department of Health  
 109 Governor Street, 6th Floor  
 Richmond, Virginia 23219-3635

VDH Federal Identification Number: 546001775

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PWS Type P: The annual charge is a flat fee of \$90 and is due November 1. If your invoice is \$400.00 or greater, you have the option to pay in a lump sum or four equal quarterly payments as shown below. Please retain a copy of this invoice and RETURN A COPY with each payment to ensure that your account is properly credited.

- 08-01 Lump Sum or First Installment
- 11-01 Second Installment
- 02-01 Third Installment
- 05-01 Fourth Installment

Bill ID	Owner ID	Billing Period
		PWS Type C - \$2.95 per connection
		July 1, 2012 - June 30, 2013

**Make corrections in the shaded areas provided and pay the corrected amount.**

PWS ID	PWS Name	PWS Type	Connections	Extended Price
Subtotal:				
Other: No fees are to exceed \$160,000				
Total:				

*The information on this invoice is true, accurate, and correct to the best of my knowledge, and I will clarify or supplement information pertaining to this invoice upon request. Any corrections are made in the shaded areas provided.*

109 Governor Street, 6th Floor, Richmond, VA 23219  
Phone: (804) 864-7501 Fax: (804) 864-7521

**WATERWORKS OPERATION FEE**

Chief Administrative Officer, Owner, or Responsible Owner Representative: Phone: \_\_\_\_\_

Title: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Printed Name: \_\_\_\_\_

Owner's Federal ID Number/ VA Drivers License Number/ Social Security Number: \_\_\_\_\_

**UPDATE OF CONTACT INFORMATION**

Since my last bill my contact information (name, phone numbers, email address, etc.) Check One:

Has Not Changed

Has Changed

*If your information has changed, an Office of Drinking Water representative will contact you to update our records.*