

MEMORANDUM OF AGREEMENT

Between the Virginia Board of Housing and Community Development
and
Virginia Department of Health

In accordance with §§ 36-98 et seq., 32.1-12, and 32.1-163 et seq. of the *Code of Virginia*, the Virginia Department of Health (the "Department") and the Virginia Board of Housing and Community Development (the "Board") on this day, July 6, 2004, agree to coordinate jurisdictional responsibilities through the Virginia Uniform Statewide Building Code (13 VAC 5-62, the "Code") and the *Sewage Handling and Disposal Regulations* (12 VAC 5-610-20) and/or the *Alternative Discharging Sewage Treatment Regulations for Individual Single Family Dwellings* (12 VAC 5-640-10) which are referred to collectively as the "*Regulations*."

The parties agree as follows:

1. Codes and Regulations.

- A. Adoption and promulgation of the Code is the responsibility of the Board;
- B. Enforcement of the Code is the responsibility of the local building department;
- C. Promulgation of the *Regulations* is the responsibility of the Board of Health; and
- D. The *Regulations* are administered and enforced jointly by the Department and local health departments.

2. Onsite or Decentralized Sewage Systems.

- A. Where the wastewater from a building or structure is discharged to an onsite sewage treatment and dispersal system or an alternative single-family discharging sewage treatment system and the flow is by gravity, the jurisdiction of the Code includes all buildings and structures and their internal service plumbing up to the point of connection of the building drain to the building sewer. The jurisdiction of the *Regulations* includes the building sewer at the point of its connection to the building drain and the functional design, specifications equipment, materials, and all appurtenances (excluding electrical and structural) for the sewage handling and dispersal facilities. The sewage handling and dispersal facilities may include a septic tank, a pump station/tank, or additional treatment devices such as a sand filter and a soil absorption field. The pump tank is typically located downstream from the septic tank. Additional treatment devices may also include pumps and blowers as well

as other electrical devices. The jurisdiction of the *Regulations* will apply to all functional aspects of these facilities which (for pump stations/tanks) include a motor control center/panel, master disconnect switch and a manual override switch. The jurisdiction of the Code shall apply to the electrical and structural components of these facilities. The requirements of the Code concerning motor control centers, disconnects, and manual override switches shall apply when all of the following conditions are met:

- i. Pumps are individually less than two (2) horsepower;
- ii. A pump is employed only to lift effluent to a higher elevation for dispersal in a soil absorption field and is not considered part of the treatment process;
- iii. Effluent is delivered to a gravity distribution box; and
- iv. Cord-and-plug connections are located in a weather proof box outside of the pump tank/wetwell unless designed for installation within the pump tank/wetwell.

If all conditions cannot be met, a separate motor control center shall be required. Examples of situations requiring a separate motor control center include, but are not limited to, sewage systems utilizing pressure dosing, time dosing and similar design concepts, and systems serving commercial establishments. The Department (or Authorized Onsite Soil Evaluator where appropriate) will be responsible for noting on the construction permit whether a separate motor control center with master disconnect and override switches is required for a specific installation.

- B. Where the discharge from individual plumbing fixtures cannot flow by gravity to a building sewer, and where the building sewer will be connected to an onsite sewage treatment and dispersal system and where a pumping station and pumps will be located internal to the building or structure, the Code shall apply to the design, construction, and installation of the pump station, pumps, and appurtenances, and the *Regulations* will apply to the sewage treatment and dispersal system from the point of the building drain connection to the building sewer.

3. **Enclosed Equipment, Reuse.** Wherever sewage is treated for reuse in a manner other than soil dispersal or discharge to the waters of the Commonwealth, the *Regulations* will apply to the design of all associated equipment or facilities and the jurisdiction of the Code will apply to all buildings and/or structures used to house the treatment and reuse equipment and facilities as well as all service plumbing, wiring, etc.

4. Permits.

- A. In accordance with § 32.1-165 of the *Code of Virginia*, no county, city, town or employee thereof, shall issue a permit (building permit) for the construction of a new building designed for human occupancy without the prior written notification (in the form of a construction permit, operating permit, subdivision approval, or certification letter) of the State Health Commissioner (“Commissioner”) or his agent that safe, adequate, and proper sewage treatment is or will be made available to such building. Whenever new construction will result in an increase in the wastewater flow or capacity of a an existing structure, the Commissioner’s written notice to the building official will be in the form of a valid permit for construction of an onsite sewage system and neither certification letter nor subdivision approval will be sufficient to comply with this requirement. The Department will apply the standards set forth in the *Regulations* when evaluating applications for the handling and disposal of sewage onsite. The Department will notify the local building official as soon as practicable when a permit for a sewage treatment and disposal system has been issued in accordance with the *Regulations*.
- B. The jurisdiction of the Code includes the issuance of a certificate of occupancy upon inspection and approval of the structure, and the jurisdiction of the *Regulations* includes the issuance of an operation permit upon inspection and approval of the sewage treatment, dispersal, and handling system(s). The local health department will notify the local building official as soon as practicable when an operation permit has been issued and the local building official will not issue the certificate of occupancy as required by the Code until he has received such notice.
- C. The Code and the *Regulations*, when practical, will include clear references to the jurisdiction of the other document.
- D. Appropriate amendments, additions, or deletions will be made to the *Regulations* and to the Code, when practical, to ensure that there are no jurisdictional conflicts between the two.

5. Conflict Resolution.

- A. It is the intention of both the Board and the Department to cooperate with each other in resolving any technical conflicts between the *Regulations* and the Code, and in developing and implementing operational procedures to ensure and promote constructive working relationships among building and health officials.

- B. Except in matters of imminent danger to public health or safety, whenever conflicts or disagreements arise between the two agencies or their staff, all appropriate regulatory procedures will be exhausted prior to any judicial action.
- C. This Agreement may be amended or terminated by mutual consent of the parties.

The undersigned agree to the Conditions of this Agreement.



William, C. Shelton, Director
Department of Housing and
Community Development

For

The Board of Housing and
Community Development



Robert B. Stroube
State Health Commissioner
Department of Health