



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT Division of Building and Fire Regulation

Timothy M. Kaine  
Governor

Patrick O. Gottschalk  
Secretary of  
Commerce and Trade

William C. Shelton  
Director

### MEMORANDUM OF AGREEMENT

Virginia Board of Housing and Community Development  
And  
Virginia Department of Environmental Quality

In accordance with §10.1-1186 and §36-139 of the *Code of Virginia*, the Virginia Department of Environmental Quality (the "Environmental Department") and the Virginia Department of Housing and Community Development (the "Housing Department") on this day, August 20, 2007, agree to coordinate jurisdictional responsibilities through the *Virginia Uniform Statewide Building Code* (13 VAC 5-63, the "Code") and the *Sewage Collection and Treatment Regulations* (9 VAC 25-790) which are referred to as the "Regulations".

The parties agree as follows:

#### 1. Codes and Regulations

- A. Adoption and promulgation of the Code is the responsibility of the Housing Department;
- B. Enforcement of the Code is the responsibility of the local building department;
- C. Promulgation of the Regulations is the responsibility of the Environmental Department;  
and
- D. The Regulations are administered and enforced by the Environmental Department.

#### 2. Sewage Treatment Works, Pump Stations, and Other Sewage Handling Equipment

- A. The Environmental Department is charged with issuing construction and operation certificates for municipal sewage collection systems and treatment works. Whenever components of sewage collection systems and/or treatment works are located in a building or similar structure, the Regulations will apply to the design of all such equipment or facilities and the Code applies to the structure and all of its incidental utilities (i.e., heating, electrical, house plumbing, etc.).
- B. Wherever sewage is treated for reuse and permitted by the Environmental Department, the Regulations will apply to the design of all associated equipment or facilities and the

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jurisdiction of the Code will apply to all buildings and/or structures used to house the treatment and reuse equipments and facilities as well as all service plumbing, wiring, etc.

- C. No county, city, town or employee thereof, shall issue a permit (building permit) for a building designed for human occupancy without first obtaining the prior notification from the Environmental Department that safe, adequate and proper sewage treatment is, or will be made available to such building. The Environmental Department shall notify the local building official when a permit, both construction and operation, for a sewage treatment works or pump station has been issued in accordance with the Regulations. It is noted that the Virginia Department of Health has the responsibility for construction and operation permits for single family home discharging sewage treatment systems.

### **3. Building Sewers**

- A. Where the wastewater from the building or structure flows by gravity to the building sewer, which is or will be connected to a public or private gravity sewer, the jurisdiction of the Code shall apply to the building drain, building sewer, and all other appurtenances up to the point of connection to the public or private gravity sewer.
- B. Where the wastewater from a building or structure is pumped to a public or private gravity sewer [regardless of its location inside or outside of a building] and
- 1.) the total daily flow is less than 2000 gallons per day, the jurisdiction of the Code shall apply.
  - 2.) the total daily flow is greater than or equal to 2000 gallons per day, the jurisdiction of the Regulations shall apply.
- C. Where the wastewater from a building or structure is pumped to a pressurized force main, the jurisdiction of the Regulations shall apply.
- D. Where the wastewater from a building or structure is transferred via a vacuum system to a public or private sewer system, the jurisdiction of the Regulations shall apply.

### **4. General Agreements**


- 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 insure and promote a constructive working relationship between Code and Regulation officials.

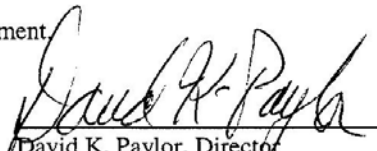
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- B. Both the Code and the Regulations, when practical, will include a clear reference to jurisdiction of the other documents.
- C. Appropriate amendments, additions, or deletions will be made to the Regulations and the Code, when practical, to insure that there is no jurisdictional conflict between the two documents.
- D. 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
- E. 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

  
David K. Paylor, Director  
Department of Environmental  
Quality