COMMONWEALTH of VIRGINIA

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State Health Commissioner

Department of Health
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DATE: August 1, 2008

To: District Directors
District Environmental Health Managers
Office of Environmental Health Services Staff

GMP #52.A

FROM: Karen Remley, M.D., M.B.A., F.A.A.P.
State Health Commissioner

SUBJECT: Up-dated procedure for issuing certification letters in lieu of sewage disposal system construction permits under the Sewage Handling and Disposal Regulations; validity and renewal of permits

Background: Legislation passed by the General Assembly in 1994 (Senate Bill 415) expresses a central theme that the health department should issue construction permits only where systems will actually be installed; all other applications should be handled through certification letters. The certification letters are intended to eliminate time spent designing and drafting permits for systems which are never installed. The use of private soil evaluators by applicants is also strongly encouraged, and will result in faster processing times in most instances.

This policy establishes a procedure for issuing certification letters instead of construction permits in those instances where applicants have not concurrently applied for a building permit application. The procedures and guidelines established for determining whether an applicant has applied for a building permit (GMP #51 or subsequent policy) are to be used to determine which applicants receive certification letters.

PROCEDURE FOR ISSUING CERTIFICATION LETTERS

1. **Application.** Applicants for both letters and permits will use the same application. In accordance with 12 VAC 5-610-250 of the *Sewage Handling and Disposal Regulations*, the application must be accompanied by a suitable site plan.[1] The difference between a letter and a permit should be explained to applicants so they understand the difference. Applicants shall be encouraged to apply for permits only when they are ready to construct.

[1] See the Onsite Sewage Quality Assurance Manual for information on what constitutes a "complete application".

2. **Fees.** Effective July 1, 2008 the fee for a certification letter application is the same as for a sewage disposal system construction permit application. The private well application fee is not charged for certification letter applications, regardless of whether the property may eventually be served by a new well.

3. **Letter vs. Permit.** If the application is for a repair permit or if the applicant is ready to build (is concurrently applying for a building permit), a construction permit will be issued. Otherwise, a letter will be issued by the Department to certify there is a specific site on the property for a sewage disposal system of a given capacity.

4. **Issuance of Construction Permits.** The procedure for issuing construction permits is unchanged.

5. **Issuance of Letters.** Prior to the issuance of a letter, the property owner (or applicant) must provide a survey plat that identifies the approved onsite sewage disposal system area. The requirement for a survey plat of the onsite sewage disposal system area may be waived at the option of the district or local health department; however, the district or local health department is responsible for ensuring that the boundary of the approved onsite sewage disposal system area can be located within 10 feet in the future. The letter shall state that it is being issued in lieu of a permit in a form authorized by the Office of Environmental Health Services.

If the letter is to be recorded in the land records of the clerk of the circuit court, the letter must be notarized prior to its issuance.

6. **Validity of Letters and Permits.** After July 1, 1994, letters issued by the Department are valid until a permit for the construction of an onsite sewage system is issued and the system is installed, inspected, and approved. The letter is void if there is a substantial physical change in the soil or site conditions where the onsite sewage system is to be located. The letters shall transfer with the title to the property upon sale or transfer of the land.

After July 1, 1994, onsite sewage construction permits are valid for 18 months. Joint onsite sewage construction and water well permits will be valid for 18 months. The permit may be renewed for an additional 18 months as described below in item 8 "Renewal of Permits."

Permits issued after July 1, 1994 for construction of onsite sewage disposal systems are not transferable.

7. **Redemption of Letters and Permits.** Within 18 months of the date of issuance of a letter, it may be redeemed for a permit at the local health department without payment of the sewage disposal system construction application fee. If the property is to be served by a newly constructed private well, the well application fee must be paid if the private well application fee

was not collected with the application for the certification letter. The applicant shall provide a signed statement saying that there have been no physical changes in the site or soil where the onsite sewage disposal system is to be located. There is no requirement to make an additional site visit when the applicant provides a statement saying that there has been no physical change to the site where the onsite sewage disposal system is located. A substantial physical change is a change in the site or soil conditions that renders an area unsuitable for a sewage disposal system or well to the extent that the certification letter would not have been issued. Examples include grading or removing soil from the approved area, construction on the approved area, the placement of a well too close to a sewage disposal site, the placement of a source of contamination too close to a well site, etc.

When the applicant certifies that there has not been a substantial physical change, the need for a site visit is entirely optional and at the discretion of the district or local health department. If the district or local health department elects to conduct an additional site visit, it is not necessary to evaluate additional holes in the onsite sewage disposal system area.

If the Department discovers that there has been a change to the site or soil, or when the applicant indicates there has been a change in the site or soil conditions, a site visit is required to determine the nature of the change. If the change is of a nature to require additional site and soil evaluations **and** a change in the system design or location, the applicant must submit another application and a new application fee shall be charged.[2]

After 18 months from the date of issuance of the letter, in order to obtain a permit, the owner must pay the permit application fee. Again, the decision to conduct another site visit is discretionary.

If one initially receives a permit but does not construct the system, one may redeem the permit, prior to its expiration, for a letter in the same manner described above. If 18 months have passed since issuance of the permit, to obtain a letter the applicant must pay the application fee.

8. **Renewal of Permits.** Before the end of the 18 month life of a permit, if the owner has a current building permit or has commenced construction of the system, the permit shall be renewed at the owner's request for 18 months without charge. However, once the permit expires, the owner must file a new application and pay a new fee to receive a permit.

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[2] Once a certification letter is issued, the department is obligated to issue a permit unless there have been substantial physical changes to the site (e.g., the approved site has been graded away).

(ON LETTERHEAD STATIONERY)

Date

Name
Address
City, State Zip

Re: Location # T.M. or Pin
Site Location
Size of lot

Dear :

This letter is issued in lieu of a sewage disposal system construction permit in accordance with §32.1-163, et seq., of the Code of Virginia. The Board of Health hereby recognizes that the soil and site conditions acknowledged by this correspondence, and documented by additional records on file at the local health department, are suitable for the installation of an onsite sewage disposal system. The attached plat shows the approved area for the sewage disposal system. This letter is valid until a permit for construction is issued and the system is installed, inspected and approved. This letter is void if there is any substantial physical change in the soil or site conditions where the sewage disposal system is to be located.

A permit to construct the sewage disposal system must be issued before construction of the system. If the property owner (current or future) applies for a construction permit within 18 months of the date of this letter, the application fee paid for this letter shall be applied to any state fees for a permit to construct a system. After 18 months, the applicant is responsible for paying all state fees for a permit application. If a private well is to be constructed, the appropriate well application fee(s) must be paid whether or not 18 months have elapsed since this letter was issued.

This letter, and accompanying plat of survey showing the specific location of the sewage disposal system area and well area (if applicable), may be recorded in the land records by the clerk of the circuit court in the jurisdiction where all or part of the site or proposed site of the system is to be located. The site shown on the plat is specific and must not be disturbed or encroached upon by any construction. To do so voids this letter. Upon the sale or transfer of the land that is the subject of this letter, the letter shall be transferred with the title to the property.

Future owners are advised to review the plat for the location of the onsite sewage disposal area to make sure their building plans do not interfere with the area. If they have any questions regarding the location of the area, they should contact the local health department for assistance.

The area evaluated, and certified by this letter, is suitable to accommodate a ____ bedroom house using a system design of ____ gallons per day. The property will be served by a _____ water supply as shown on the attached plat.

This letter is an assurance that a sewage disposal system construction permit will be issued (provided there have been no substantial physical changes in the soil or site conditions where the system would be located); however, it is not a guarantee that a permit for a specific type of system will be issued. The design of the sewage system will be determined at the time of application for a building permit and sewage system construction permit. The design will be based on the site and soil conditions certified by this letter, structure size and location, water well location (final determination to be made at time of permit issuance), the regulations in effect at the time, and any off-site impacts that may have occurred since the date of the issuance of this letter. In some cases, engineered plans may be required prior to issuance of the construction permit. In accordance with § 32.1-164.1:1 of the Code of Virginia, owners are advised to apply for a sewage disposal construction permit only when ready to begin construction.

This certification letter may be subject to and must comply with any applicable local ordinances.

Sincerely,

EHS-Name
Title

Attachment

pc:

(ON LETTERHEAD STATIONERY)

Date[1]

Name[2]
Address[3]
City, State Zip[4]

Re: Location # T.M. or Pin[5]
Site Location[6]
Size of lot[7]

Dear [8] :

This letter is issued in lieu of a sewage disposal system construction permit in accordance with §32.1-163, et seq., of the Code of Virginia. The Board of Health hereby recognizes that the soil and site conditions acknowledged by this correspondence, and documented by additional records on file at the local health department, are suitable for the installation of an onsite sewage disposal system. The attached plat shows the approved area for the sewage disposal system. This letter is valid until a permit for construction is issued and the system is installed, inspected and approved. This letter is void if there is any substantial physical change in the soil or site conditions where the sewage disposal system is to be located.

A permit to construct the sewage disposal system must be issued before construction of the system. If the property owner (current or future) applies for a construction permit within 18 months of the date of this letter, the application fee paid for this letter shall be applied to any state fees for a permit to construct a system. After 18 months, the applicant is responsible for paying all state fees for a permit application. If a private well is to be constructed, the appropriate well application fee(s) must be paid whether or not 18 months have elapsed since this letter was issued.

This letter, and accompanying plat of survey showing the specific location of the sewage disposal system area and well area (if applicable), may be recorded in the land records by the clerk of the circuit court in the jurisdiction where all or part of the site or proposed site of the system is to be located. The site shown on the plat is specific and must not be disturbed or encroached upon by any construction. To do so voids this letter. Upon the sale or transfer of the land that is the subject of this letter, the letter shall be transferred with the title to the property.

Future owners are advised to review the plat for the location of the onsite sewage disposal area to make sure their building plans do not interfere with the area. If they have any questions regarding the location of the area, they should contact the local health department for assistance.

The area evaluated, and certified by this letter, is suitable to accommodate a _[9]_ bedroom house using a system design of _[10]_ gallons per day. The property will be served by a public/private[11] water supply as shown on the attached plat.

This letter is an assurance that a sewage disposal system construction permit will be issued (provided there have been no substantial physical changes in the soil or site conditions where the system would be located); however, it is not a guarantee that a permit for a specific type of system will be issued. The design of the sewage system will be determined at the time of application for a building permit and sewage system construction permit. The design will be based on the site and soil conditions certified by this letter, structure size and location, water well location (final determination to be made at time of permit issuance), the regulations in effect at the time, and any off-site impacts that may have occurred since the date of the issuance of this letter. In some cases, engineered plans may be required prior to issuance of the construction permit. In accordance with § 32.1-164.1:1 of the Code of Virginia, owners are advised to apply for a sewage disposal construction permit only when ready to begin construction.

This certification letter may be subject to and must comply with any applicable local ordinances.

Sincerely,

EHS-Name[12]
Title[13]

Attachment

pc:

Key for Items in Approval Letter

Item	Description	Explanation
1	Date	Date of letter
2	Name	Applicant's full name
3	Address	Applicant's mailing address
4	City, State, Zip	Applicant's city, state, zip
5	Location #, etc.	ID of Property, i.e. Tax map #
6	Site Location	Brief description of property location
7	Size of Lot	Approximate size of lot
8	Salutation	Appropriate salutation (Mr. Mrs., etc.)
9	Bedrooms	Number of bedrooms in house
10	GPD	Design capacity in gallons per day
11	Public or Private	Indicate the type of water supply
12	EHS-Name	Name of individual signing letter
13	Title	Title of individual signing letter