


DATE: August 29, 1980, **Revised** November 15, 2002, **February 4, 2014**

TO: ODW Field Office and Technical Services Staff

FROM: John J Aulbach II, PE, Director
Office of Drinking Water 

SUBJECT: ADMINISTRATION - CONTACTS OUTSIDE ODW –
Interaction with the Board of Housing and Community Development

Project Leader: Susan Douglas 

A revised Memorandum of Understanding (MOU), attached, has been signed between the State Health Commissioner and the Director of the Department of Housing and Community Development (DHCD). The purpose of the MOU is to coordinate the implementation of the VDH's *Waterworks Regulations* and the BHCD's *Uniform Statewide Building Code*. The revised versions are substantially similar to the initial agreement, albeit with updated language and clarifications.

In the late 1980's the Virginia Department of Health (VDH) entered into an agreement with the Board of Housing and Community Development (BHCD) to clarify our respective agency jurisdictions in regard to potable water and premise plumbing. The agreement was revised in June 2002, and has been revised again, at the instigation of the Department of Housing and Community Development, in conjunction with their 2012 regulatory cycle.

The main objectives of this MOU are:

1. Suspend issuance of building permits in locations where the waterworks has reached its maximum capacity and/or is unable to reliably meet safe drinking water standards;
2. Coordinate the requirements for cross-connection control and backflow prevention included in BHCD *Codes* and the *Waterworks Regulations*;
3. Recognize situations where a waterworks' facilities may be housed within a building served by the waterworks.

The third objective will provide a foundation for VDH to consistently address non-community waterworks that may have been overlooked or misidentified, particularly those using point-of-use or point-of-entry treatment systems.

The VDH Office of Drinking Water (ODW) routinely communicates with the DHCD local building officials on waterworks status, and field personnel are encouraged to contact building officials directly when situations arise. Please be aware that the local building officials are local and are only advised (not controlled) by state building officials. Any disputes with a local official's decision must be settled through local and state review boards.

END OF MEMO

Attachment

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
AND THE
VIRGINIA DEPARTMENT OF HEALTH**

December 2013

In accordance with § 36-97 *et seq.* and § 32.1-167 *et. seq.* of the *Code of Virginia*, the Virginia Department of Health (hereafter referred to as the "VDH") and the Virginia Department of Housing and Community Development (hereafter referred to as the "DHCD") agree to coordinate the Uniform Statewide Building Code (hereafter referred to as the "USBC") and the Virginia *Waterworks Regulations* (hereafter referred to as the "*Regulations*"). The USBC shall not supersede the *Regulations* as stated in § 36-98 of the *Code of Virginia*. The parties agree to the following.

1. Adoption and promulgation of the USBC is the responsibility of the DHCD; enforcement of the USBC is the responsibility of the local building department; and adoption, promulgation, and enforcement of the *Regulations* is the responsibility of the VDH.
2. The jurisdiction of the USBC includes all buildings, structures, and equipment (as defined in § 36-97 of the *Code of Virginia*) up to the point of connection to the water meter; and that the jurisdiction of the *Regulations* includes the meter, all waterworks' mains, treatment facilities, and raw water collection and transmission facilities. Where no meter is installed, the point of demarcation between the jurisdiction of the USBC and of the *Regulations* is the point of connection to the waterworks main; or, in the case of an owner of both waterworks and the building served, the point of demarcation is the point of entry into the building.

Exception: Whenever a building or structure is utilized to house portions of a waterworks, as determined by the VDH, the *Regulations* shall apply to all such water treatment, storage, and pumping facilities and the USBC shall apply to the building, structure, and equipment as defined in § 36-97 of the *Code of Virginia*.

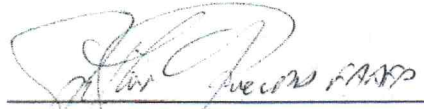
3. Both the USBC and the *Regulations* will include a clear reference to jurisdiction of the other document.
4. The *Regulations* will require each waterworks owner to have a cross-connection control and backflow prevention program consistent with the *Regulations*. The *Regulations* will require, as a minimum, an approved containment device at each service connection consistent with any existing or potential health, pollution, or system hazard to the waterworks. In lieu of such containment devices, point-of-use isolation protection devices shall be permitted to be installed; shall comply with the provisions of the USBC; and, shall be deemed to be in compliance with the *Regulations*.

5. The building official is required by the USBC to be assured that the water supply to a building is safe and of adequate capacity before issuing a building permit. Building permits involving a new water connection or extension of an existing connection to a waterworks main shall not be issued when the VDH has notified the building official in writing that the waterworks is unsafe or at or above its permitted capacity.
6. Appropriate amendments, additions, or deletions will be made to the *Regulations* and to the USBC to insure that there is no jurisdictional conflict between the two documents.
7. It is the intention of both the DHCD and the VDH to cooperate with each other in resolving any technical conflicts between the *Regulations* and the USBC, and in developing and implementing operational procedures to ensure and promote a constructive working relationship between building and health officials.
8. Except in matters of imminent danger to public health or safety, whenever conflicts or disagreements arise between the two agencies or their staffs, all appropriate regulatory procedures will be exhausted before any judicial action.
9. This Understanding may be amended or terminated by mutual consent of the parties.

The undersigned agree to the conditions of this Understanding.



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



Cynthia Romero, MD, FAAFP
State Health Commissioner
Virginia Department of Health