

MEMORANDUM OF AGREEMENT
between the
Board of Housing and Community Development
and the
Virginia Department of Health

In accordance with Section 36-97 "et seq." Code of Virginia, the Virginia Department of Health (hereafter referred to as the "Department") and the Board of Housing and Community Development (hereafter referred to as the "BHCD") on this June 28, 2002, agrees 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 parties agree to the following.

1. That adoption and promulgation of the USBC is the responsibility of the BHCD; that enforcement of the USBC is the responsibility of the local building department; and that adoption, promulgation and enforcement of the Regulations is the responsibility of the Department.
2. That the jurisdiction of the USBC includes all buildings and structures and their internal service plumbing, up to the point of connection to the water meter; and that the jurisdiction of the Regulations includes the meter, all public water supply transmission 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 public water supply main; or, in the case of an owner of both public water supply system and the building served, the point of demarcation is the point of entry into the building;
3. That both the USBC and the Regulations will include a clear reference to jurisdiction of the other document.
4. That the Regulations will require each waterworks owner to have a cross-connection prevention program consistent with the Regulations. The regulations will require, as a minimum, a containment device at each service connection where a health, pollution or system hazard to the waterworks exists. It is recognized that in lieu of such containment devices, point of use devices shall comply with the provisions of the USBC. Point of use devices approved by the waterworks owner/Department shall be deemed to be in compliance with the USBC.
5. That wherever public water supply and/or water treatment equipment or facilities are located in a building or structure, the Regulations apply to all such equipment and the USBC applies to the structure and all of its incidental utilities (i.e. heating, electrical, house plumbing, etc.).
6. That 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 public water supply main shall not be issued when the Department has notified the building official in writing that the water supply system is at or above its permitted capacity.

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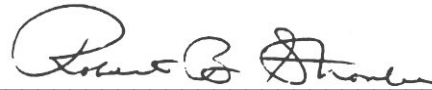
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7. That appropriate amendments, additions, or deletions will be made to the Regulations and to the USBC to insure that there is no jurisdictional conflict between the two documents.
8. That it is the intention of both the BHCD and the Department to cooperate with each other in resolving any technical conflicts between the Regulations and the USBC, and in developing and implementing operational procedures to insure and promote a constructive working relationship between building and health officials.
9. That, 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 prior to any judicial action.
10. 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



Dr. Robert B. Stroube
State Health Commissioner,
Virginia Department of Health