

APPLICABILITY

The provisions of these Development Rules and Regulations shall apply to any and all projects or activities that include: alterations, relocation, replacement, abandonment, removal, or upgrade of public water and/or sewer infrastructure; installation of new public water and/or sewer infrastructure; or, otherwise impact the Western Virginia Water Authority's system or facilities.

In addition to the Development Rules and Regulations listed herein, projects must meet all applicable requirements of the local jurisdiction and other agencies having jurisdiction over the work including the Authority's Wastewater Collection System Rules and Regulations regarding discharge of wastes and wastewater to the sewer system.

STATUTORY AUTHORITY

Pursuant to §15.2-5100, et seq, of the Code of Virginia, the Western Virginia Water Authority is an instrumentality exercising public and essential governmental functions to provide for the public health and welfare and is authorized to adopt rules and regulations, not inconsistent with the Virginia Water and Waste Authorities Act or the general laws of the Commonwealth, for the regulation of its affairs and the conduct of its business and to carry into effect its powers and purposes.

DEFINITIONS

Applicant: The individual, group of individuals, partnership, firm, association, institution, corporation, political subdivision, agency, or entity making application for the establishment of a new water and/or sewer service, changes to existing service, or expansion of an existing water and/or sewer system.

Approved Plans: Plans that have been approved for construction by the local jurisdiction and applicable state or federal agency and the Authority.

Authority: The Western Virginia Water Authority ("WVWA") a public service authority formed and existing in accordance with the provisions of Chapter 51 of Title 15.2 of the Code of Virginia, 1950, as amended, the Virginia Water and Waste Authorities Act §§15.2-5100-15.2-5158 (the "Act").

Availability Application: Initial application completed by an Applicant, providing location of desired service, contact information, capacity requirements (if known), and requesting the Authority to determine if, and under what circumstances, service might be available. Online applications are available via the Authority's web site at <https://www.westernvawater.org>.

Availability Fee: Capital recovery fees charged for each new or upsized connection to the Authority's water and/or sewer systems. Availability Fees address additional capacity required by new services as well as buy-in to the Authority's capital assets which have been paid for by a portion of previous customers. Capital assets include any facility needed to provide water and/or sewer service such as land, reservoirs, treatment facilities, wells, pumping stations, storage tanks, transmission lines, distribution/collection lines, etc. Fee amounts are listed in the Authority's Schedule of Availability and Connection Fees, as amended. Availability Fees apply to water service and sewer service separately.

Availability Fee Credit: A credit, when applicable, applied to Availability Fees calculated and otherwise due for new or upsized service connection(s) and shall be included in the Availability Letter or Development Agreement.

Availability Letter: A letter prepared by the Authority for all Applicants requesting new water and/or sewer service or changes to existing service. This letter addresses availability, available capacity and other conditions under which service(s) will be provided. Availability Fee(s), Availability Fee Credits (if applicable), Connection Fees, Tap Fees, and/or Meter Fees shall be included in the Availability Letter and shall be based on final Approved Plans.

Certificate of Final Acceptance: Documentation prepared by the Authority stating that the work is satisfactorily completed, and that there are no outstanding claims or deficiencies. Completion of the project may also involve submittal of as-built plans, affidavits, tax statements, maintenance guaranties, or other documents that are required by the Authority.

Certificate of Substantial Completion: Documentation prepared by the Authority stating that the work is satisfactorily completed to be placed into service. Substantial Completion is required before any water or sewer Service Connection may be made to a new Main Line.

Capital Improvements Program (CIP): A budget plan for provision of infrastructure and other capital needs for the community. This plan is compiled periodically and adopted by the Authority's Board of Directors.

Connection Fee: The total cost to furnish and construct a new service from a Main Line to the property line, or to an approved point of connection with the private service. Fee amounts are listed in the Authority's Rates and Fees Schedule, as amended. Connection Fees apply to water service and sewer service separately.

Design and Construction Standards: The Western Virginia Regional Design and Construction Standards, latest edition, which establish the Authority's standard specifications and standard details for the construction of water and sewer infrastructure and appurtenances. The water portions of the document are approved by the Virginia Department of Health, Office of Drinking Water, as required for implementation of the Authority's Local Review Program authorized by VDH and compliance with the VDH Waterworks Regulations. The sewer portions of these standards are consistent with requirements and permitting of the Virginia Department of Environmental Quality (DEQ). The document is available via the Authority's web site at <https://www.westernvawater.org>.

Design Fee: A non-refundable fee charged by the Authority, when applicable, for the administration and services required and undertaken by the Authority on behalf of another party for design, approval, and permitting for construction of water and/or sewer infrastructure improvements. Fee amount is based on actual costs incurred by the Authority in completing the required work.

Developer: An individual, group of individuals, partnership, firm, association, institution, corporation, political subdivision, agency, or entity that is improving property or is causing property to be improved.

Development: The defined lots or parcels of land on which a Developer is proposing improvements and that include: alterations, relocation, replacement, abandonment, removal, or upgrade of public water and/or sewer infrastructure; installation of new public water and/or sewer infrastructure; or, otherwise impact the Authority's system or facilities. For the purposes of these Development Rules and Regulations, Development projects include commercial, residential, mixed-use; retail; wholesale; business; institutional; office; industrial, warehouse/distribution; recreation; assembly (including places of worship); etc.

Development Agreement: An Agreement between the Authority and Developer(s) stipulating the conditions and responsibilities for design, construction, bonding, acceptance and use required for the Authority to participate in the cost of Joint Infrastructure Improvements.

Development Cost: The total cost of all work associated with public water and/or sewer infrastructure required for a Development including planning, design, surveying, drafting, inspection, administration, acquisition of easements, legal services, environmental studies, permits, fees, construction, and all other costs necessarily incurred between project initiation and Final Acceptance.

Domestic Service: Provision of potable water for the purposes of consumption and hygiene for an individual or family and the collection of wastewater generated from these uses.

Duplex: Two Single Dwelling Units in the same structure, and therefore a Multi-Family Unit from the standpoint of extensions of water and sewer mains. Each unit of a duplex shall be served by a separate water connection and is responsible for corresponding Availability and Connection Fees.

Equivalent Residential Unit (ERU): Single Family Residential Unit or a 5/8-inch water meter equivalent.

Extension: Any new or proposed water or sewer Main Line, including associated valves, vaults, fittings and appurtenances being constructed where no Main Line existed before.

Failed Wells and/or Failed Septic Systems: Wells and septic systems will be considered to have “failed” when they are not capable of meeting current Virginia Department of Health (VDH) requirements.

Fire Protection: The provision of adequately sized water mains, water volumes, connections, and fire hydrants at suitable intervals to be used by fire departments in fighting fires. The level of protection varies with land use and development type as required to meet applicable codes and regulations as determined by the local Fire Marshal.

Hydraulic Analysis Fee: A non-refundable fee charged by the Authority for the administration and engineering services required to perform required hydraulic analysis and certification of proposed additions to Authority infrastructure. The fee is applicable in cases where a Developer is unable or unwilling to provide the required services. The fee amount will be based on actual costs incurred by the Authority in completing the required work as detailed in the Authority’s Schedule of Miscellaneous Fees and Charges, as amended.

Hydraulic Analysis Update Fee: A non-refundable fee that may be assessed, at the discretion of Authority’s Engineering Services Division, for additional hydraulic analysis services required due to changes to proposed Development infrastructure after completion of the initial hydraulic analysis. The fee amount will be based on actual costs incurred by the Authority in completing the required work as detailed in the Authority’s Schedule of Miscellaneous Fees and Charges, as amended.

Infill Development: The development or redevelopment of existing platted lots or parcels and/or change in use of such properties.

Joint Infrastructure Improvements: Water and/or sewer system improvements (mains, services, tanks, reservoirs, lift stations, pump stations, control valves, and associated appurtenances, etc.) for a Development that provide *Significant Benefit* to the Authority, the Authority’s existing customers, or property(ies) owned or not owned by the Developer as detailed in an executed Development Agreement.

Joint Infrastructure Improvement Costs: The portion of Development Costs in which the Authority has agreed to participate as described and enumerated in an executed Development Agreement.

Licensed Utility Contractor: An individual, firm, or corporation who is licensed by the Virginia Board for Contractors to perform public utility and/or unclassified construction projects that have a contract value not exceeding their license limitation.

Licensed Plumber: An individual, firm, or corporation who is licensed by the Virginia Board for Contractors to perform plumbing construction.

Main Line, Distribution Main or Collection Main: A public water or sewer pipe installed along a street, road, highway, or within a public water or sewer easement, primarily for the purpose of providing water or sewer service to adjoining properties.

Meter Fee: The total cost to furnish and install a new meter in an approved meter box and setter. Fee amounts are listed in the Authority’s Schedule of Availability and Connection Fees, as amended.

Multi-Family Unit: Two (2) or more Single Dwelling Units in one structure.

Non-Participating Lot Owners: The owner of a lot or parcel of land that benefits from a water or sewer Extension, who may also be required to connect to the water or sewer system under the Authority's Mandatory Connection regulation, but who has not financially contributed to the Extension.

Off-Site Extension: The portion of an Extension installed by a Developer that provides service to properties not previously served and not included in the Development.

Performance Guaranty: The approved form of security furnished by the Developer and/or its sureties conditioned upon meeting all agreed upon obligations and the faithful performance of the work in strict accordance with the Approved Plans, and the Authority's Design and Construction Standards.

Private Service: The portion of a water or sewer service that is located on private property, and not within a public water or sewer easement. Construction, ownership and maintenance of the Private Services are the sole responsibility of the property owner and shall be installed by a Licensed Plumber or Licensed Utility Contractor unless otherwise permitted by local code or ordinance.

Public Water and Sewer System: The water sources, water and sewer pipes, storage facilities, pumping or lift stations, treatment facilities and appurtenances that are owned, operated and maintained by the Authority.

Priority Rating: A system developed by the Authority to rank projects based on a number of different criteria including project cost, project benefits or other parameters designated by the Authority's Engineering Services Division.

Residential Development: Any development on private land that provides living accommodations for one or more persons. This category includes, but is not limited to: single-family homes, multi-family homes, condominiums, and apartments.

Service Connection: An authorized tap into a water or sewer Main Line for the purpose of supplying service to a customer.

Single Family Residential: A detached residential structure on a single parcel designed and used as a Single Dwelling Unit to accommodate one family or group of individuals living together and sharing the same living space, but excludes multi-use properties that include single-family residential uses.

Single Dwelling Unit: A room or group of connected rooms, including kitchen, bathroom and sleeping facilities, occupied or capable of being occupied as an independent and separate housekeeping unit.

Significant Benefit: Demonstrable improvements to the Authority's infrastructure not otherwise required for the Development, as determined at the Authority's sole discretion, including, but not limited to: (1) expansion of service area; (2) improved domestic water pressure, hydraulic performance, system capacity, fire flow, or sewer system capacity; (3) improved system efficiency or resilience; and, which is based on data, engineering analysis, and/or hydraulic modeling.

Subdivision: All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development.

Transmission Main: A water pipe constructed primarily for the movement of water from one area to another. Transmission Mains are usually, but not always, 12" or greater in diameter. Transmission Mains usually supply water to smaller Main Lines.

Trunk Line or Interceptor Sewers: A sewer pipe constructed primarily for the conveyance of sewerage from one area to another, usually following creeks, rivers, or drainage ways. Trunk Lines are usually, but not always, 15" or greater in diameter. Trunk Lines usually collect and convey sewer from the smaller Main Lines of the collection system.

RULES AND REGULATIONS**1. NEW AND RELOCATED SERVICE CONNECTION FOR WATER AND SEWER**

- 1.1. An Availability Application shall be submitted for any new service or change in use affecting existing services.
- 1.2. Before any new water and/or sewer service may be constructed, an Availability Letter must be received from the Authority and all required fees must be paid in full.
- 1.3. Each lot or parcel of land being served by the Authority requires a separate water and sewer service connection.
- 1.4. Each Single Dwelling Unit of a Duplex requires a separate water service connection unless approved in writing by the Authority.
- 1.5. All public water and sewer infrastructure for Development shall be furnished and installed by a Licensed Utility Contractor at the Developer's expense and in accordance with the Authority's Design and Construction Standards. All physical taps required for Service Connections to existing water or sewer mains shall be completed only by the Authority. All water meters shall be furnished and installed by the Authority. Developer shall be responsible for cost of meter.
- 1.6. The Authority will furnish and install water and sewer Service Connection(s) for existing Single Family Residential homes not currently connected, individual Single Family Residential infill lots that are not otherwise part of a Development, and service relocations requested by a Single Family Residential customer following submittal of an Availability Application and payment of Availability Fees, if applicable, and/or Connection Fees.
- 1.7. For Single Family Residential properties, the Authority allows a private water service or sewer lateral to cross one intervening private property to access a public main. Prior written approval from the Authority is required. The Applicant must provide a copy of a recorded private easement prior to any service construction. The easement must be a minimum of ten (10) feet in width. It is strongly recommended that the Applicant have a Licensed Surveyor prepare the exhibit drawing to accompany this easement. A Private Easement Template is available for reference on the Authority's website at <https://www.westernvawater.org>.

2. AVAILABILITY AND CONNECTION FEES

- 2.1. Availability Fees as detailed in the Authority's Schedule of Availability and Connection Fees, as amended, are applicable for all new connections to the Authority's water and/or sewer systems and any upsized existing connections. Fees are determined after submittal of a complete Availability Application, along with any supporting documentation, if required, and shall be based on Approved Plans.
- 2.2. Any property that can be shown to have been previously served with public water or public sewer within ten (10) years from the Availability Application date will not be required to pay Availability Fees for a new service, up to the size of the previous service. If the previous service size cannot be confirmed, it will be assumed to have been a 5/8-inch water meter. Increases in service sizes require payment of the difference between the current Availability Fees for the original and the required service sizes. No refund of Availability Fees will be issued or credited for reductions in service sizes.
- 2.3. Connection Fees are required for all new, replaced or relocated services installed by the Authority and include Service Connection and installation of a sewer cleanout and/or water meter at the property line or other location approved by the Authority.
- 2.4. Connection Fees are not required for Service Connections installed by a Licensed Utility Contractor for a Development. Applicable Availability Fees, Tap Fees, and Meter Fees shall apply.

3. MANDATORY CONNECTION

- 3.1. Upon or after the acquisition or construction of any water system or sewer system under the provisions of the Virginia Water and Waste Authorities Act (Code of Virginia Chapter 51, § 15.2-5100, et seq.) the owner, tenant, or occupant of each lot or parcel of land (i) which abuts a street or other public right of way which contains, or is adjacent to an easement containing, a water main or a water system, or a sanitary sewer which is a part of or which is or may be served by such sewer system and (ii) upon which a building has been constructed or will be constructed for residential, commercial or industrial use, shall, with concurrence of the locality in which the land is located, connect the building with the water main or sanitary sewer, and shall cease to use any other source of water supply for domestic use or any other method for the disposal of sewage, sewage waste or other polluting matter. All such connections shall be made in accordance with rules and regulations adopted by the Authority, which may provide for a reasonable charge for making such a connection.
- 3.2. Those persons having an existing building with domestic supply or source of potable water, and/or a private septic system or domestic sewage system meeting applicable standards and requirements established by the Virginia Department of Health, shall not be required to discontinue the use of such systems. However, such persons may be subject to a connection fee, a front footage fee, and a monthly nonuser service charge.

4. EXTENSION OF WATER AND SEWER MAINS FOR DEVELOPMENT

4.1. General

- 4.1.1. All Extensions to the Authority's water and sewer systems must be constructed in accordance with the Authority's Design and Construction Standards, latest edition.
- 4.1.2. Design and construction of all water and sewer mains, appurtenances, easements, and services required to serve a Development shall be the sole responsibility of the Developer, except as otherwise set forth in an executed Development Agreement.
- 4.1.3. Development Cost shall be the sole responsibility of the Developer except as otherwise set forth in an executed Development Agreement. If the Authority desires mains larger than those required by the Development, one hundred percent (100%) of the differential cost for the larger size will be paid by the Authority.
- 4.1.4. Any deviation from this stated policy will require a written Development Agreement approved and executed by both parties.
- 4.1.5. In addition to the policies listed herein, the extension of public water and sewer facilities shall comply with local Comprehensive Plans, and other requirements of the appropriate jurisdiction and the Authority.

5. AVAILABILITY FEE CREDITS

5.1. Off-Site Extensions

- 5.1.1. For Off-Site Extensions as defined herein fifty percent (50%) of the applicable Availability Fee for the Development are eligible for Availability Fee Credit.
- 5.1.2. The maximum credit shall not exceed the estimated construction cost of the Off-Site Extension based on the Approved Plans as determined by the Authority during the plan review process.
- 5.1.3. Credits shall apply separately to respective Off-Site Extensions of water and/or sewer service.

5.2. Sanitary Sewer Lift Stations

- 5.2.1. For Public Sanitary Sewer Lift Stations constructed by a Developer, fifty percent (50%) of the applicable sewer Availability Fee for the Development are eligible for Availability Fee Credit subject to the following and provided all requirements of this Section 5.2 are met.
- 5.2.2. The maximum credit shall not exceed the estimated construction cost of the lift station based on the Approved Plans as determined by the Authority during the plan review process.
- 5.2.3. The lift station must be available to serve properties not included in the Development and located such that it maximizes connection by other properties.
- 5.2.4. The lift station must be constructed on its own platted lot that fronts a public street or platted or deeded easement and all-weather access road to a public street for unencumbered access by Authority staff.

5.3. Approvals and Limitations

- 5.3.1. Availability Fee Credits for a Development shall not exceed fifty percent (50%) of the applicable water and sewer Availability Fees for the Development, respectively.
- 5.3.2. Availability Fee Credits for a Development are available to the initial Developer for a period of up to ten (10) years from the date of Substantial Completion of the infrastructure generating the credits.
- 5.3.3. Availability Fee Credits are exclusive to that Development and may not be transferred to other properties or Developments.
- 5.3.4. With proper documentation, unused Availability Fee Credits may be transferred to a new owner of the same Development; however, the combined time for all Developers shall not exceed fifteen (15) years from the date of Substantial Completion.
- 5.3.5. To request Availability Fee Credits, Developer must submit an Availability Fee Credit application prior to or concurrent with plan submittal. The application shall be in a form and content approved by the Authority. (see attached Availability Fee Credit application form)

6. EXTENSIONS OF WATER AND SEWER MAINS FOR FAILED WELLS OR SEPTIC SYSTEMS**6.1. General**

- 6.1.1. Any existing Single Family Residential home with a failed well or septic system may apply for a new service with the Authority as described in Section 1.
- 6.1.2. All other properties with failing well or septic systems will be required to extend public water or sewer as described in Section 4.
- 6.1.3. Individual property owners will be responsible for all costs to properly abandon their existing system(s) and connect to the new Service Connection.

6.2. Extensions Less Than 500 Feet in Length

- 6.2.1. If an Extension is deemed by the Authority to be technically feasible, cost effective and in the best long-term interest of the Authority and its present and/or future customers, the Authority may design and manage construction of extensions up to five hundred feet (500') in length, in cases of failed wells or failed septic systems for one qualifying Single-Family Residential customer whose property can be served with an extension not to exceed five hundred feet (500') from an existing Authority water or sewer main.

6.3. Extensions 500 Feet or More in Length

- 6.3.1. If an Extension is deemed by the Authority to be technically feasible, cost effective and in the best long-term interest of the Authority and its present and/or future customers, and if a minimum of fifty (50%) percent of the eligible customers in a neighborhood on private

wells and/or septic systems provide their Availability Fee and Connection Fee for connection the Authority may design and manage construction of the Extension.

- 6.3.2. The survey area of eligible customers for this Extension will be determined by the Authority at the time of the request.

6.4. Approvals

- 6.4.1. For all extensions undertaken pursuant to paragraph 6.2. or paragraph 6.3., design and construction will be initiated following confirmation of all the following items:

- Written documentation from the Virginia Department of Health stating well or septic system is no longer viable and cannot be replaced or repaired
- Payment of the Availability Fees and Connection Fees
- Project achieves adequate Priority Rating
- Funding is available in the Authority's Extension Fund Accounts for the cost of the Extension project

7. JOINT INFRASTRUCTURE IMPROVEMENTS

7.1. General

- 7.1.1. Design and construction of all on-site and off-site improvements required for a Development shall be the sole responsibility of the Developer, except as further defined herein.
- 7.1.2. Joint Infrastructure Improvements proposed by a Developer will be subject to review by the Authority for cost sharing or other direct participation and memorialized in a Development Agreement approved and executed by both parties. Any requests exceeding 50% of the total Joint Infrastructure Improvement Costs shall require approval by the Authority's Board of Directors.
- 7.1.3. All Joint Infrastructure Improvements must be constructed in accordance with the Authority's Design and Construction Standards, latest edition.
- 7.1.4. Developer must submit a Development Agreement Application in a form and content approved by the Authority prior to or concurrent with plan submittal. (see attached Development Agreement Application form)
- 7.1.5. Participation in the form of cash, in-kind services, materials, or other, will be based on a Development Agreement specifically prepared for each Development. Participation in the form of cash will not be provided until the Joint Infrastructure Improvements have been issued Substantial Completion.
- 7.1.6. If the Authority is funding a portion of an Off-Site Extension that would otherwise also qualify for Availability Fee Credits, the credits will be reduced or eliminated as part of the Development Agreement.

8. DEMOLITION AND RELOCATION

- 8.1. Water and sewer mains not utilized for a Development shall be properly abandoned by the Developer. Abandonment or relocation of the Authority's water and/or sewer infrastructure must be completed in accordance with the Authority's Design and Construction Standards, latest edition.
- 8.2. Existing service connections must be abandoned in accordance with local building codes prior to demolition. The Developer should apply for Availability Fee Credits for increased services associated with redevelopment, if applicable, prior to demolition.
- 8.3. To qualify for any applicable Availability Fee Credits associated with replacement of existing or abandoned services, those services must be properly abandoned by Developer at the main and shown on the Approved Plan.



AVAILABILITY FEE CREDIT REQUEST FORM

PROJECT NAME:

	OWNER/DEVELOPER	ENGINEER OF RECORD
NAME:		
ADDRESS:		
EMAIL:		
PHONE #:		

WE (OWNER/DEVELOPER) HEREBY REQUEST AVAILABILITY FEE CREDITS TO BE APPLIED TOWARDS AVAILABILITY FEES WITHIN THIS DEVELOPEMNT. THE FOLLOWING INFORMATION HAS BEEN INCLUDED IN THIS APPLICATION FOR REVIEW AND APPROVAL:

NARRATIVE DESCRIBING OFFSITE EXTENTION AND CUSTOMERS SERVED

SITE PLAN

ENGINEER'S CONSTRUCTION ESTIMATE

PROJECT OWNER/DEVELOPER:

WVWA:

Company Name

Western Virginia Water Authority

Signature & Title

Signature WVWA Project Manager

Date

Date



DEVELOPER AGREEMENT APPLICATION

PROJECT NAME:

	OWNER/DEVELOPER	ENGINEER OF RECORD
NAME:		
ADDRESS:		
EMAIL:		
PHONE #:		

WE (OWNER/DEVELOPER) HEREBY REQUEST TO ENTER INTO A DEVELOPER AGREEMENT WITH THE WESTERN VIRGINIA WATER AUTHORITY (WVWA). THIS APPLICATION IS INTENDED TO SUPPORT THIS DEVELOPMENT WHILE ADDING SIGNIFICANT BENEFIT TO THE WVWA AND ITS CUSTOMERS. THE FOLLOWING INFORMATION HAS BEEN INCLUDED IN THIS APPLICATION FOR REVIEW AND APPROVAL:

NARRATIVE DESCRIBING THE PROJECT AND MUTUAL BENEFITS TO THE WVWA

CONCEPT PLAN

DRAFT DEVELOPER AGREEMENT

ENGINEER'S CONSTRUCTION ESTIMATE OF IMPROVEMENTS

PROJECT OWNER/DEVELOPER:

WVWA:

Company Name

Western Virginia Water Authority

Signature & Title

Signature WVWA Project Manager

Date

Date