



## COMMONWEALTH of VIRGINIA

### DEPARTMENT OF TRANSPORTATION

1401 EAST BROAD STREET  
RICHMOND, VIRGINIA 23219-2000

**Date:** June 21, 2017

**To:** Virginia Community of Utilities;  
VDOT Location & Design, R/W and Utilities, Construction, Materials, and Local Assistance

**From:** Jeff Bragdon, P.E. – State Hydraulics and Utilities Engineer – L&D  
Matt Reynolds – State Utilities and Property Manager – R/W and Utilities  
VDOT, 1401 East Broad Street, Richmond, VA 23219

**Subject:** 9VAC25-790-50A – State Water Control Board, Sewage Collection and Treatment Regulations

**Definitions:** CTC – Certificate to Construct  
CTO – Certificate to Operate  
Sewerage System - A sewerage collection system consisting of pipelines or conduits, pumping stations and force mains and all other construction, devices and appliances appurtenant thereto, used for the collection and conveyance of sewage to a treatment works or point of ultimate disposal.

This correspondence is to draw your attention to Virginia Administrative Code 9VAC255-790-50A, which reads:

*"A. No owner shall cause or allow the construction, expansion or modification (change of 25% or more in capacity or performance capability or 20% for a biosolids use facility) of a sewerage system or treatment works except in compliance with a CTC from the director unless as otherwise provided for by this chapter and standards contained in this chapter. Furthermore, no owner shall cause or allow any sewerage systems or treatment works to be operated except in compliance with a CTO issued by the director which authorizes the operation of the sewerage systems treatment works including biosolids use facilities unless otherwise provided for by this chapter and standards contained in this chapter. Conditions may be imposed on the issuance of any CTC or CTO, and no sewerage systems or treatment works may be constructed, modified, or operated in violation of these conditions."*

The Virginia Department of Environmental Quality (VDEQ) acknowledges that the above Code alleviates the need for any special agreement between VDOT and VDEQ, to allow for Sewerage System relocations relative to VDOT-administered projects, as exceedance of 25% capacity of any Sewerage System is highly unlikely for any given project.

Pursuant to the Sewage Collection and Treatment Regulations, and assuming that a given project impacts less than 25% total Sewerage System capacity, VDOT and VDEQ shall consider the following:

- 1) VDOT shall not be considered an “Owner” of any Sewerage System.
- 2) VDOT shall not be required to file permit with VDEQ to establish, construct (CTC) or operate (CTO) any Sewerage System, where they are not considered the Owner.
- 3) The duties of generally managing transmission, storage, master-planning, monitoring, purification, treatment, distribution, certification and the like, are not the responsibilities of VDOT, but the Owner.
- 4) Relocations of Sewerage System as part of roadway improvements, and the proper construction of those facilities, are the responsibilities of VDOT and its contractor. It is the duty of the Owner to certify to VDEQ that the facilities are constructed to the Owners’ standards and approved VDEQ specifications. For instances where the Owner may not have approved specifications, it will be incumbent upon VDOT that facilities be constructed to minimum VDOT specifications.
- 5) VDOT will enter an agreement with the Owner of each respective project prior to construction, including the cost responsibilities of the Owner, and the payment terms that accompany the contract.
- 6) It is understood that there may be situations where either the Owner is unresponsive, habitually non-conforming, or where the design and construction may be out-of-the-ordinary, or not in substantial compliance with the SCAT Regulations. In such case, VDOT will provide any available documentation that would be of benefit to the purview of VDEQ.
- 7) At VDOT’s discretion, Contractors of VDOT may be allowed to use this guidance for projects funded by VDOT, but where the work is performed by others.
- 8) VDOT shall work together with VDEQ to resolve issues of mutual interest, whether or not covered in this guidance.

This guidance does not alleviate the duty of municipalities and land development projects, to apply for Land Use Permits to enter VDOT R/W for relocation of its facilities.

With this correspondence, we respectfully request that you be cognizant of VDOT’s effort to work towards a mutual partnership with VDEQ, and to share the common goal of providing utilities to the traveling public.

Important Links:      <http://varules.elaws.us/code/9vac25-790-50>  
<http://law.lis.virginia.gov/vacodefull/title62.1/chapter3.1/article4/>