

Proposed Amendment to Chapter 65 (Plumbing and Gas Provisions)
of the
Code of the County of Fairfax, Virginia

Amend Chapter 65 (Plumbing and Gas Provisions), Article 6 (Sewer and Water Systems), Section 65-6-6 (Public sanitary sewer and water availability) to read as follows:

(a) *Single-Family Attached or Detached Dwelling Units:* [Subject to the Statement of Policy Regarding Sewage Disposal adopted by the Board of Supervisors, as amended, Aa](#) public water supply system and/or a public sewer system shall be deemed available to single-family attached or detached dwelling units if such structures are within three hundred (300) feet, measured along a street, alley or easement, of the public water supply or sewer system, and a connection may be made lawfully thereto.

(b) *All Other Structures:* [Subject to the Statement of Policy Regarding Sewage Disposal adopted by the Board of Supervisors, as amended, Aa](#) public water supply system and/or a public sewer system shall be deemed available to all structures other than single-family attached or detached dwelling units if such structures are within five hundred (500) feet, measured along a street, alley or easement, of the public water supply or sewer system, and a connection may be made lawfully thereto.

(c) Any extension of public sewer or water required hereby shall be made at the expense of the owner of the structures to be served. (15-95-65; 18-98-65.)

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES
FAIRFAX COUNTY, VIRGINIA

STATEMENT OF POLICY REGARDING SEWAGE DISPOSAL

Adopted by the Board of Supervisors June 16, 1980

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SECTION A – GENERAL

A-1 The Fairfax County Integrated Sewage System (ISS) is operated and maintained by the Department of Public Works and Environmental Services (DPWES), to provide public sewer service to areas designated by the Fairfax County Board of Supervisors (Board) as the Approved Sewer Service Area (ASSA) in accordance with the adopted [Fairfax County Comprehensive Plan](#).

A-2 The ASSA boundary includes the immediately adjacent area which can be served by the smallest allowable gravity lines installed in accord with normal engineering practices that will result in the safest and most cost-effective operation. No extension of a gravity sewer line across the ASSA boundary may exceed a distance of 400 feet beyond the boundary nor have a manhole depth of more than 12 feet, unless approved by the Board. This is referred to as the “400-foot rule.” However, the 400-foot rule does not apply to those areas excluded from the ASSA by the Board.

A lot is eligible to be served by the public sewer system if (1) it is entirely or partially located within 400 feet of the ASSA or has a lot line touching the 400-foot boundary line and (2) is capable of being served by a gravity sewer lateral. For structures served by a gravity sewer lateral, an ejector pump may be used to pump sewage from one basement level in the structure to the gravity-flow lateral line, provided that the other floor(s) of the structure are served by the gravity-flow lateral line and the ejector pump is used to pump the sewage to such gravity-flow lateral line.

Under specified circumstances described below, an exception may be made to allow the use of a sewage pump when gravity lines cannot be used, if a lot meets all other 400-foot rule requirements. In such extensions of sewer lines across the drainage divide of the ASSA, owners may be allowed to pump the sewage generated by an existing structure, even in those areas where the Board has determined that the 400-foot rule does not apply, if all of the requirements set forth in either Paragraph 1 (subparagraphs 1(a) through 1(l) below) or Paragraph 2 (subparagraphs 2(a) through 2q) below are satisfied:

PARAGRAPH 1 REQUIREMENTS:

- 1(a) the applicable lot must already have an existing residential structure served by an onsite sewage disposal system;
- 1(b) the residence on the applicable lot must have been used for human habitation for more than 75% of the time during the three years immediately preceding the request for the sewer line extension;
- 1(c) the onsite sewage disposal system serving that residence must have been approved by the Fairfax County Health Department (FCHD) in accordance with all requirements set forth in the statutes, ordinances, and regulations of the Commonwealth of Virginia and/or Fairfax County;
- 1(d) the FCHD must have concluded that the onsite sewage disposal system on the applicable lot is failing, constitutes a health hazard, and cannot reasonably be repaired or replaced;
- 1(e) the FCHD, in consultation with DPWES, must have determined that, other than a

connection to the public sewer with the use of a sewage pump, there is no reasonable alternative method of sewage disposal available to the residence with the failing onsite sewage disposal system;

- 1(f) the applicable lot cannot be located more than 400 feet from the boundary of the existing ASSA;
- 1(g) the lateral of the applicable residence cannot extend more than 300 feet from the connection to the public sewer;
- 1(h) the lateral and the sewage pump must be owned, maintained by, and remain the sole responsibility of the owner of the lot proposed to be served by such lateral and pump;
- 1(i) the applicable sewage pump must be located on the applicable lot;
- 1(j) the costs of extending a County sewer line to the applicable lot, including the cost of installing the sewage pump, laterals, and any other appurtenant devices, are the sole responsibility of the property owner;
- 1(k) the extension of a County sewer line, any laterals, and all appurtenant devices necessary to provide sewer service to the residence must be built and/or installed by the property owner in accordance with all of the applicable requirements of DPWES, the Fairfax County Department of Land Development Services (LDS), and the FCHD; and
- 1(l) the extension of a County sewer line must be dedicated to and accepted by the County for ownership and maintenance.

PARAGRAPH 2 REQUIREMENTS (as it relates to public road projects):

- 2(a) the applicable lot must have been developed with an existing residential structure served by an onsite sewage disposal system;
- 2(b) the residence on the applicable lot must have been used for human habitation for more than 75% of the time during the three years immediately preceding the request for the sewer line extension;
- 2(c) the onsite sewage disposal system serving that residence must have been approved by FCHD in accordance with all requirements set forth in the statutes, ordinances, and regulations of the Commonwealth of Virginia and/or the County;
- 2(d) the Virginia Department of Transportation (VDOT) and/or the Board must have concluded that a portion of the applicable lot is needed for the construction of a public road project and must be acquired by eminent domain or other means for use in that public road project;
- 2(e) the acquisition by eminent domain or other means by VDOT and/or the Board of a portion of the applicable lot and the construction of the public road project will

result in the incapacitation of the onsite sewage disposal system serving the residence on that lot;

- 2(f) the FCHD must have determined that the residence on the applicable lot at the time a portion of the lot is acquired by VDOT and/or the Board could no longer be served by the existing onsite sewage disposal system and that the incapacitation of the existing onsite sewage disposal system could not reasonably be repaired or replaced on the remaining portion of the applicable lot;
- 2(g) the provision of sanitary sewer to the impacted lot cannot and will not be used for the purpose of constructing any additional residences on that lot;
- 2(h) the FCHD, in consultation with DPWES, must have determined that, other than a connection to the public sewer with the use of a sewage pump, there is no reasonable alternative method of sewage disposal available to the residence with the incapacitated onsite sewage disposal system by the public road project;
- 2(i) the applicable lot to be served by the proposed sewer line cannot be located more than 400 feet from the boundary of the ASSA;
- 2(j) the lateral to be used by the applicable lot cannot extend more than 300 feet from the connection to the public sewer;
- 2(k) the lateral and sewage pump to be used by the applicable residence must be owned, maintained by, and remain the sole responsibility of the owner of the lot proposed to be served by such lateral and pump;
- 2(l) the applicable sewage pump must be located on the applicable lot;
- 2(m) the cost of extending the County sewer line to the applicable lot, including the cost of installing the sewage pump, laterals, and any other appurtenant devices, are the sole responsibility of the property owner, unless the County is solely responsible for designing, funding, and constructing the public road project that caused the incapacitation of the onsite sewage disposal system on such lot;
- 2(n) the extension of the County sewer line, any laterals and all appurtenant devices necessary to provide sewer service to the applicable residence must be built and/or installed by or on behalf of the property owner in accordance with all of the applicable requirements of DPWES, LDS, and FCHD;
- 2(o) the extension of a County sewer line must be dedicated to and accepted by the County for ownership and maintenance;
- 2(p) if a VDOT public road project, then a lot that satisfies all of the foregoing Paragraph 2 requirements will be allowed to connect to the public sewer before the actual incapacitation of the onsite sewage disposal system on that lot when VDOT certifies in writing to DPWES that the Commonwealth Transportation Board has taken formal action to award a construction contract for the work that is anticipated to incapacitate that system; and

2(q) if a County road project, then a parcel that satisfies all of the foregoing applicable Paragraph 2 requirements (2(a) through 2(p)) will be allowed to connect to the public sewer before the actual incapacitation of the onsite sewage disposal system on that parcel if the DPWES certifies in writing to the Board that there is full funding for the public road project that will incapacitate that system.

A-3 Developers desiring sewerage service must apply to LDS and agree to perform all construction in accordance with plans and specifications approved by LDS and in accordance with all current standards of design and construction.

A-4 When required by DPWES, developers must provide enlarged sewage facilities to serve the area to be developed or redeveloped and upstream and downstream areas from the proposed development in accordance with general plans promulgated from time to time. Before construction of such enlarged sewage facilities, the developer may enter into an agreement with the County that provides partial reimbursement of the developer's costs, as set forth in Section D-2.

A-5 Betterments:

A-5.1 Developers are solely responsible for the cost of relocating existing sewage facilities to accommodate their development. If the relocated sewage facilities must also be enlarged to accommodate future sewage flows, the developers are eligible to enter into an agreement with the County for partial reimbursement, as set forth in Section D-2.

A-5.2 If developers must provide new sewage facilities to serve their development and these facilities will not convey sewage flows from existing customers but are sized beyond the developers' needs in order to accommodate future flows, then the developers are eligible to enter into an agreement with the County for partial reimbursement, as set forth in Section D-2.

A-6 All sewage facilities constructed by developers must be at their sole cost, be a minimum of 8 inches inside diameter, and be constructed in public rights-of-way or upon private land with recorded perpetual easements that provide free, unobstructed, uninterrupted rights-of-way with provisions for ingress and egress for inspection, operation, maintenance, enlargement, replacement, alteration, and extension of the sewage facility.

SECTION –B - POLICY REGARDING DEVELOPED COMMUNITIES

B-1 Existing developed communities that are not served by public sewage facilities may receive funding for these facilities by one or more of the following methods:

B-1.1 Sewer Revenue Bonds issued by the County based upon engineering and financial feasibility reports.

B-1.2 Fund Advancement by the community and/or individuals upon execution of agreement and deposit of sufficient funds to construct the facilities.

B-1.3 Extension and Improvement (E&I) Funds. After all requirements of the County's ISS have been met (i.e., operation and maintenance, debt service and required reserve),

funds may be budgeted for construction of extensions provided (a) the project is justifiable for the health and welfare of the area; (b) the finances of the ISS are such as to warrant the necessary expenditures; (c) at least one-half of the potential users of the facilities agree to connect to the ISS immediately upon completion of the facility, and to pay in cash in advance, the applicable availability charges.

B-1.4 County General Fund Contributions. If the purpose of the project is to abate a public health hazard, the General Fund of the County may, to the extent that the financial condition of the General Fund permits, contribute to the capital cost of such project in amounts up to a fraction thereof, the numerator of which being the number of potential users contributing to the public health hazard and the denominator of which being the total potential users of the project.

B-2 All properties within an E&I project area will be evaluated by FCHD's Division of Environmental Health and assigned into one of the following classes which are used in establishing the priority rating of a project.

Class I - Properties in this class are presently served by onsite sewage disposal systems that are malfunctioning and creating an immediate hazard to the community.

Class II - Properties in this class are served by onsite sewage disposal systems that have a history of problems, occasionally malfunction, are installed in poor soil conditions, or are otherwise not expected to function satisfactorily for any length of time. Sand filter systems are also included in this class since they do discharge effluent into streams and must be abandoned when public sewer is made available. Properties in this class are a potential hazard to the community.

Class III - Properties in this class are served by pit privies and pose no serious hazard to the community if maintained properly. However, these properties cannot be improved to accommodate disposal of water-carried human waste without the availability of public sewer.

B-3 All E&I projects will be installed in order of their priority rating. The Division of Environmental Health assigns preliminary priorities based on potential health hazards. These priorities are then reviewed jointly with DPWES, and adjustments are made taking into consideration the economic feasibility of the preliminary list.

SECTION –C - POLICY REGARDING REVENUES AND CHARGES

C-1 The ISS is organized and must operate on a basis designed to raise sufficient revenue to pay all costs and provide all appropriate reserves.

C-2 Sources of revenue of the County's ISS are (1) Availability Charges; (2) Connection Charges; (3) Lateral Spur Charges; (4) Service Charges; (5) Base Charges; and (6) Account Charges.

C-2.1 Availability Charge is a one-time charge collected from all users prior to connection to the system to cover in part the user's proportional share of the cost of facilities beyond the sewer lines with 8-inch inside diameter. Such facilities include sewer lines with greater than 8-inch inside diameter, pumping stations, force mains and treatment facilities.

C-2.1.1 The fundamental principle in determining the Availability Charge is: The needed total annual revenue requirements of the ISS collected from users and non-users (or by users and owners of properties) for whose use, need and benefit the sewage facilities are provided, in an amount that approximates the proportional cost of providing the use and the benefit of the sewerage facilities.

C-2.1.2 Availability Charge revenues may be used for construction of new capital facilities to the extent such facilities will benefit new subscribers to the system (new customers). Availability Charge revenues will not be used for improvements to the extent such improvements will only benefit existing customers of the system. Availability Charge revenues may be used to meet the cost of remedying significant operational emergencies, and provision will be made for the timing of reimbursement of the capital for any such emergency disbursements.

C-2.1.3 Separate accountability for Availability Charge revenues and capital expenditures will be maintained.

C-2.2 Connection Charge (Front Footage Charge) is a one-time charge collected from all users prior to connection to the system in those cases where service can be obtained from facilities entirely paid for by the County. It is levied as a partial repayment of the County's costs to construct sewage facilities. This charge does not apply to facilities paid for jointly by the County and persons, firms, or corporations other than the applicant.

C-2.3 Lateral Spur Charge is a one-time charge collected from all users who connect to the lateral spur. This charge must be paid prior to connection to the system and is levied as a partial repayment of the cost of a lateral spur, pursuant to VDOT requirements that all sanitary sewer facilities to be located within the right-of-way of public highways be installed at one time, and under a single permit.

C-2.4 Service Charges are continuing charges based upon water consumption at a cost per 1,000 gallons as established by the rate ordinance.

C-2.5 Base Charges are fixed charges on quarterly sewer bills to defray a portion of the cost of operating and maintaining the sewer system.

C-2.6 Account Charges are to defray the cost incurred by reason of special services rendered (repair of developer constructed facilities, temporary treatment, etc.) and agreements or regulatory requirements for which costs are not covered by other charges.

C-3 Review of all the above charges consistent with the principles set forth herein will occur periodically or may coincide with the County's budget cycle at which time these charges will be set by the Board of Supervisors.

C-4 Individual owners of properties located adjacent to or within reach of service by sewer lines paid for entirely by the County will be required to pay the applicable Availability, Connection, and Lateral Spur charges upon application for service.

SECTION –D - POLICY REGARDING REIMBURSEMENT AND FUNDS ADVANCED TO COUNTY

D-1 Sewage facilities will be constructed only after sufficient funds are advanced by others to finance construction of those facilities, or after the reserves of the ISS are adequate to finance said construction, or after the issue and sale of bonds.

D-1.1 Investments by developers in local sewage facilities to serve their respective development areas will not be refunded by, or become an obligation of, the County, as such investments are considered as accrued benefits to the improved property and will be recovered through the increase in value of the property.

D-2 Developers providing enlarged sewage facilities, as required by paragraphs A-4 and A-5, which are greater than required to serve the lots being developed or redeveloped, may be reimbursed for the cost differential as set forth in the reimbursement agreement according to the following policy:

D-2.1 The land disturbance permit for the development was issued after December 6, 2022.

D-2.2 The amount to be reimbursed for enlarged sewage facilities to convey existing, proposed, and future flows is determined by multiplying the costs of constructing the enlarged facilities by the quotient obtained by dividing the sum of the existing and future flows by total flow. Future flow will be estimated based on the County's Comprehensive Plan. Phasing of a large development does not reduce the developer's responsibility for the ultimate need of the larger development.

D-2.3 The amount to be reimbursed for Betterments is equal to the difference between the cost of the material only of the sewage facilities that would have satisfied the development's needs and the cost of the material only of the larger sewage facilities required by the County to serve future flows.

D-2.4 Developers are required to solicit at least three bids from licensed and bonded contractors for the construction of the sewage facilities eligible for reimbursement. The County will reimburse the developers based on the price of the lowest bid. However, the County has the authority to negotiate a reasonable reimbursement amount other than the bid amount.

D-2.5 Developers are required to submit a separate Public Improvement (PI) Plan for sewage facility improvements that include the enlarged sewage facilities to clearly separate the costs associated with these sewage facilities from the rest of the development. If no separate PI plan was submitted for projects designed prior to the effective date of this

policy, reimbursement will occur only after accurate and detailed documentation establishing the costs associated with only the enlarged sewer lines is submitted to and deemed sufficient by the County for purposes of determining the reimbursement amount. Plan type requirement may be waived at the discretion of DPWES Director.

D-2.6 Sewer lines with an internal diameter exceeding 8 inches will be considered enlarged sewers if they convey existing and future flows and flows from the proposed development.

D-2.7 Reimbursement payments will be made as provided in the reimbursement agreement. The reimbursement agreement must be executed between the developer and the County at the time of the submission of the engineering construction plans for the enlarged sewage facilities for review and approval by the County before the start of the construction. The agreement may need to be updated, if the time between the execution of the agreement and start of the construction exceeds one year, or for other justifiable reasons.

D-3 Extensions of sewer lines to the development boundary of subdivisions to facilitate service to adjoining properties will generally be constructed concurrent with the construction of facilities within the subdivision. Upon request, costs incurred by the developers for these extensions will be reimbursed from available E&I funds, which will be replenished by the Availability Charge paid by each adjoining property upon connection to the system.

D-4 Subject to execution of an application with the County, a property owner who privately funds extension of public sewage facility will be reimbursed under the following circumstances and according to the following policy:

- (a) The public sewage facility extension is available to and serves two or more single-family detached residential properties in a subdivision by direct connection and the applicant owns no more than two of such residential properties, one of which must be occupied by the applicant; and
- (b) Upon the County's receipt of a Surcharge, as described in D-4.c below, which shall be collected at the time any person files an application to connect to or contributes sewage to the privately funded sewage facility extension, such Surcharge shall be paid in January as partial reimbursement to the property owner funding the extension; and
- (c) The Surcharge amount equals the quotient obtained by dividing the cost of the sewage facility extension by the total number of single-family residential properties eligible to be served by the sewage facility extension or the County's current maximum Connection Charge for a single-family residential property, whichever is less. The cost of the sewage facility extension for purposes of determining the Surcharge is limited to installation costs (including, but not limited to, engineering, easement, permit, and construction costs) of that section of the sewage facility that is used jointly by the connecting single-family residential properties.
- (d) The applicant will forfeit any right to reimbursement under this policy in the event the applicant ceases to own at least one of the residential dwellings for which the extension of the sewage facility was constructed in the five-year period following the completion of the sewage facility extension. The applicant will also forfeit the right to

reimbursement if the applicant fails to maintain a valid mailing address with the County in accordance with the terms and conditions of the reimbursement application.

- (e) This policy applies only to lawful sewage facility extensions and connections that fully comply with all the provisions of the Board's adopted Statement of Policy Regarding Sewage Disposal.

SECTION E – LIMITATION OF STATEMENT OF POLICY

This statement of policy is published for the information of developers and the public as a guide to understanding the policy of DPWES in its administration of the Integrated Sewage System of Fairfax County. As such, no statement herein contained should be construed as binding upon the County.