



King and Queen County

Founded 1691 in Virginia

Office of the Building & Zoning Department
P.O. Box 177 • King and Queen Court House, Virginia 23085
Phone: (804) 785-5985 • Fax: (804) 785-5999

MEMORANDUM

TO: King & Queen County Citizens, Contractors, and Land Developers

FROM: Quentin Mascari, Building Official & Donna Sprouse, Director of Community Development

DATE: March 21, 2022

RE: Health Department approval required for all new & existing septic system utilization

State Code of Virginia, §32.1-165, states that no county, city, town, or employee thereof shall issue a permit for a building for human occupancy without the prior written authorization of the *Commissioner* or his agent. The *Commissioner* or his agency shall authorize the issuance of such permit upon finding that safe, adequate, and proper sewage treatment is or will be made available to such building, or upon finding that the issuance of such permit has been approved by the *Review Board* (§32.1-166.1). *Commissioner* is defined as "State Health Commissioner" per §32.1-3.

The King & Queen County Building & Zoning Department shall have written approval from the Virginia Department of Health prior to applying for a zoning and building permit for any building utilized for human occupancy or any structure that is proposed to have or has plumbing fixtures. This specifically pertains to new construction, replacement structures, additions, and renovations of all buildings for human occupancy.

Please contact the King & Queen County Department of Health at (804)785-6154 with questions related to this regulation.

Request for Health Department Review

Building/Zoning Department Use Only:

The King & Queen County Building and/or Zoning Department hereby requests that the Virginia Department of Health evaluate the onsite sewage system and/or water supply on the property described below to determine whether:

The existing onsite sewage disposal system is safe, adequate and proper (SAP) for the proposed use (see §32.1-165 of the Code of Virginia). Note: This block can only be marked if the structure is designed for human occupancy.

The proposed use will encroach upon the existing onsite sewage disposal system and/or water supply.

Other or Comments:

Attachments (sketch, building plans, plat)

Building/Zoning Official Signature: Quentin Mascari

Date: _____

SAP Appendix 2b
Request for Health Department Review – Safe Adequate and Proper
To be completed by property owner or agent

Owner Name:		Home Telephone:	
Mailing Address:		Office Telephone:	
		Cell Phone:	
E-mail address:			
Agent name:		Home Telephone:	
Mailing Address:		Office Telephone:	
		Cell Phone:	
E-mail Address:			
Property Location (provide directions from local health department):			
Tax Map:		PIN #:	
Subdivision Name (if applicable):		Lot #:	
Current Use (include # of bedrooms):			
Proposed Use (include # of bedrooms):			
Please attach any recent records of onsite system (Pump-outs, or Operation and Maintenance Reports)			
Has property been occupied during previous 30 day period?:		Yes	<input type="radio"/> No <input type="radio"/>
The septic tank and distribution box are uncovered for inspection:		Yes	<input type="radio"/> No <input type="radio"/>
If no, the septic tank and distribution box will be uncovered by following date:			
<i>(To prevent potential damage to the system, VDH recommends homeowners first contact Miss Utility for marking underground utilities. The septic tank and distribution box should be carefully excavated by hand)</i>			
Uncovering septic tank & distribution box would cause an undue hardship:		Yes	<input type="radio"/> No <input type="radio"/>
If Yes, reason for hardship:			
(Examples of hardship: system is relatively new, recently pumped, accurate records exist, or excavation would likely damage components.)			
Related Building Permit #:		Health Department I.D. #:	
PLEASE READ CAREFULLY: This report is only intended to address the above referenced request and does not address evaluation procedures for sewage systems being sold through real estate transfers, or systems and water supplies being reused as part of a subdivision process. This document specifically addresses VDH's implementation of § 32.1-165 of the Code of Virginia and is not to be used for any unauthorized use.			
The property boundaries and building locations are clearly marked or identified at the property. I give permission to the Virginia Department of Health to enter the property described, if necessary, for the purpose of processing this application. An accurate sketch of the property, existing structures, wells, sewage disposal systems, and proposed structure(s) is attached.			
Owner/Agent Signature:		Date:	

This form contains personal information subject to disclosure under the Freedom of Information Act

Site Sketch:

SIGNATURE: _____

DATE: _____

An owner may challenge a denial by requesting an Informal Fact-Finding Conference (IFFC) within 30 days of receipt of a decision. All requests for an IFFC must be sent in writing to the District Health Director and cite the reason or reasons for the request.

Attachment 4: **Copy of Va. Code § 32.1-165**

“§ 32.1-165. Prior approval required before issuance of building permit; approved sewage system or nonconforming system.

- A. No county, city, town, or employee thereof shall issue a permit for a building designed for human occupancy without the prior written authorization of the Commissioner or his agent. The Commissioner or his agent shall authorize the issuance of such permit upon finding that safe, adequate, and proper sewage treatment is or will be made available to such building, or upon finding that the issuance of such permit has been approved by the Review Board. "Safe, adequate, and proper" means a treatment works that complies with applicable regulations of the Board of Health that are in effect at the time of application.
- B. The Commissioner shall develop an application and procedure for evaluating an installed treatment works and to determine whether to authorize issuance of a permit for a building designed for human occupancy.
- C. Nothing in this section shall be construed to prevent the Commissioner or his agent from approving the use of a nonconforming treatment works, provided the treatment works was installed in accordance with the Board of Health's applicable regulations in effect at the time of its installation, is not failing, and is designed and constructed for the sewage flow and strength expected from the building.
- D. Nothing in this section shall be construed to prevent an owner of real property from receiving a voluntary upgrade pursuant to § 32.1-164.1:3, or other permit, as a condition of approval as a nonconforming treatment works.
- E. The Board, Commissioner, and Department may accept a certified evaluation from (i) a professional engineer licensed pursuant to Chapter 4 of Title 54.1; (ii) an onsite soil evaluator, onsite sewage system operator, or onsite sewage system installer licensed pursuant to Chapter 23 of Title 54.1; (iii) or other individual with an appropriate certification from the National Sanitation Foundation, or equivalent. The Department may perform an inspection of the certified evaluation but shall not be required to perform a field check prior to the issuance of the written authorization in subsection A.”