COMMUNITY WATER AND WASTEWATER PROGRAM
MEMORANDUM OF UNDERSTANDING

THIS Memorandum of Understanding (MOU) is made, effective the 9th day of June, 2015, by and between the Loudoun County Sanitation Authority (the "Authority") and the Board of Supervisors of the County of Loudoun, Virginia (the "County") regarding a partnership agreement that clarifies the roles and responsibilities of both the Authority and the County in identifying and completing future water and wastewater projects initiated by the County.

WHEREAS, the County and the Authority desire to work together to address community water and wastewater issues within the unincorporated areas of Loudoun County; and

WHEREAS, the Authority was created by the County in 1959 for the purposes of acquisition, construction, operation and maintenance of water systems, sewer systems and sewage disposal systems located within the unincorporated areas of Loudoun County in accordance with provisions of the Va. Code Ann. 15.2-150, et seq., the Virginia Water and Waste Authorities Act and the County’s Comprehensive Plan;

WHEREAS, the County has identified over thirty communities as part of the 2011 Water and Wastewater Needs Assessment at risk of water and/or wastewater issues in Loudoun County; and

WHEREAS, since 1966 the County and the Authority have partnered and completed ten water and wastewater projects aimed at improving community public health and safety; and

WHEREAS, the County and the Authority have worked together over the last year to outline a process to address future water and/or wastewater infrastructure projects, including a process to prioritize communities interested in assistance with their identified water and/or wastewater issues.

NOW, THEREFORE, the County and the Authority agree to the roles and responsibilities as outlined in Attachment 1 and as described herein:

1. Community Education and Engagement. The County will have primary responsibility for community engagement throughout the project process to include communication efforts such as meetings, presentations, written communications, and updates. The Authority will support the County in these efforts and will at a minimum educate communities about the proposed water and/or wastewater system and future operation and maintenance costs of said system.

2. Identification. The County and the Authority will identify communities with water and wastewater issues and encourage them to make application as part of the prioritization process.
3. **Prioritization.** The County will take primary responsibility in all elements of the community prioritization process as described in Attachment 2, except for feasibility studies which will be the primary responsibility of the Authority. The County will receive all community applications, review them for eligibility, organize a committee to review the applications, review feasibility study results, and complete the final ranking. The Authority will assist the County in these efforts. The Authority will develop the feasibility study. In accordance with Authority policy, the County will reimburse the Authority for costs incurred per feasibility study up to an agreed amount. The County will make payment to the Authority triggered by invoice requests from the Authority as work is completed.

4. **Identifying Funding.** The County will have primary responsibility for assisting the community with identifying funding for its water or wastewater solution, consistent with funding policies established by the Board of Supervisors. The Authority will assist the County in identifying funding that meets the needs of the project.

5. **Central System Extensions.** In cases where central system extensions within the approved Loudoun Water Central Service Area are considered the best water and/or wastewater solution, the Authority will take primary responsibility for completing facility planning, land use processes, design, construction, operation and maintenance. The County will assist the Authority where applicable. The system will be owned and operated by the Authority.

6. **Communal Water or Wastewater Systems.** In cases where communal water or wastewater systems are considered the best solution:
   a. the County will take primary responsibility for obtaining all land acquisitions and easement acquisitions needed to complete the project;
   b. the County will take primary responsibility for securing commission permits and special exceptions as required;
   c. the Authority will take primary responsibility in completing all preliminary engineering necessary for the project;
   d. the Authority will take primary responsibility in completing site plans as required;
   e. the Authority will take primary responsibility in acquiring all permits necessary for designing, constructing and operating the system;
   f. the Authority will take primary responsibility in the design and construction process;
   g. the Authority will own, operate and maintain the completed system; and
   h. in all cases, the County will support the efforts of the Authority, except in operating and maintaining the system, and the Authority will support the efforts of the County as applicable throughout the process.

**MISCELLANEOUS PROVISIONS:**

7. **Established Policies.** Nothing within this MOU will supersede established policies of the Authority or the County.
8. Amendments. This MOU may be amended at any time by mutual agreement of the parties hereto. Suggested modifications to the MOU shall be developed and agreed upon in writing.

9. No Third Party Beneficiaries. This MOU is not intended to be for the benefit of any party not a signatory hereto.

10. Survivability. If any clause or provision of this MOU is illegal, invalid or unenforceable under the present or future laws in effect during the term of this MOU, it is the intention of the parties that the remainder of this MOU shall not be affected thereby.

11. Miscellaneous. The captions inserted in this Agreement are for convenience only and in no way define, limit or otherwise describe the scope or intent of any provision hereof.

[SIGNATURES ON FOLLOWING PAGE]
STATE OF VIRGINIA
COUNTY OF LOUDOUN, to-wit:

I, Eileen Hall-Tobey, a Notary Public in and for the said jurisdiction, do hereby certify that Scott K. York, whose name is signed to the above Agreement dated the 1st day of July 2015, personally appeared before me and acknowledged the same on behalf of the said Board of Supervisors, the governing body of the County of Loudoun, Virginia.

Given under my hand the 1st day of July, 2015.

Eileen Hall-Tobey
Notary Public

My Commission Expires: 07/31/15
Notary Registration # 7113101

STATE OF VIRGINIA
COUNTY OF LOUDOUN, to-wit:

I, Christal Lynn Hardy, a Notary Public in and for the said jurisdiction, do hereby certify that Dale C. Hemmes, whose name is signed to the above Agreement dated the 9th day of June 2015, personally appeared before me and acknowledged the same on behalf of the said Loudoun County Sanitation Authority.

Given under my hand the 9th day of June, 2015.

Christal Lynn Hardy
Notary Public

My Commission Expires: 3/31/2018
Notary Registration # 7319730
## Entities Responsible for Completing Communal Water System Process

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<thead>
<tr>
<th>Process Elements</th>
<th>Process Steps</th>
<th>Lead</th>
<th>Support</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facility Planning</td>
<td>Land Acquisition</td>
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<td>Loudoun Water</td>
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<td>Preliminary Engineering</td>
<td>Loudoun Water</td>
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<td>Land Entitlements</td>
<td>Commission Permit &amp; Special Exception</td>
<td>County</td>
<td>Loudoun Water</td>
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<td>Site Plan</td>
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<td>Design</td>
<td>Design Process</td>
<td>Loudoun Water</td>
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<td>Water System Permits</td>
<td>Loudoun Water</td>
<td>County</td>
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<tr>
<td>Construction</td>
<td>Construction Process</td>
<td>Loudoun Water</td>
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**Note:** Commission Permit, Special Exception and Design can occur simultaneously or in sequence beginning with the Commission Permit.

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### PROCESS ELEMENTS

**Communal System**

- **Water**
  - Land Acquisition
  - Preliminary Engineering

**Facility Planning**

- Commission Permit
  - Pre-application Conference
  - Land Use Application Process
  - Land Referral Process & Response
  - Public Notice
  - Planning Commission Public Hearing

**Land Entitlements**

- BOS Approval
  - Service Area Established

**Design**

- Special Exception
  - Pre-application Conference
  - Land Use Application Process
  - Land Referral Process & Response
  - Public Notice
  - Planning Commission Public Hearing

**Construction**

- Water System Permits
- Construction Permit Application Process
- Issuance of Construction Permit Upon Approval of Plans and Specifications
- Public Notice
- BOS Public Hearing
- Conditions & Restrictions Defined
- BOS Approval
- Site Plan
- Easement Acquisition
- Installation by licensed and bonded contractor
- Construction Completion Statement
- Testing and Reporting
- Inspection
- Operations Permit Issued

**Operation & Maintenance**

- Equipment Patrol
- Operations Permit Issued
- Maintenance

**Note:** This assumes a groundwater source. Permits are received through the Virginia Department of Health Office of Drinking Water (ODW) and Loudoun County Health Department.

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Task Report 1.10—MOU- Attachment 1
### ENTITIES RESPONSIBLE FOR COMPLETING COMMUNITY WASTEWATER SYSTEM PROCESS

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**NOTE:** Commission Permit, Special Exception and Design can occur simultaneously or in sequence beginning with the Commission Permit.

**Note:** Permits are received through the Virginia Department of Environmental Quality (DEQ) and Loudoun County Health Department (HDO).

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**PROCESS ELEMENTS**

1. **Facility Planning**
   - Commission Permit
   - Pre-application Conference
   - Land Use Application Process
   - Referral Process & Response
   - Public Notice
   - Planning Commission Public Hearing
   - BOS Approval
   - Service Area Established
   - Land Acquisition
   - Preliminary Engineering
   - Design Process
   - Wastewater System Permits

2. **Design**
   - Wastewater System Permits
     - Treatment Works with Subsurface Disposal
     - Treatment Works with Surface Disposal

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Task Report 1.10-MOU- Attachment 1
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Wastewater System Permits

- Treatment Works with Subsurface Disposal
  - Construction Permit Application—PE/AO/SE reported design
  - Site evaluation by Health Department
  - Construction permit issued

CONSTRUCTION

- Installed by licensed and bonded contractor
  - Operations Permit Issued

OPERATION & MAINTENANCE

- Completion of Construction Statement
  - Final Inspection
  - Certificate to Operate (CTO) issued

OPERATION & MAINTENANCE

- Certificate to Construct (CTC) Application
  - Formal Technical Evaluation of plans, Specifications and other design documents
  - CTC Issued