AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, March 19, 2021 – 10:00am (Virtual Meeting)
https://vadhcd.adobeconnect.com/lbbca/

I. Roll Call **(TAB 1)**

II. Introduction of New Review Board Member - David V. Hutchins

III. Approval of January 22, 2021 Minutes **(TAB 2)**

IV. Approval of Interpretation 01/2021 **(TAB 3)**

In Re: James Carter (York County)
Interpretation Request No 08-20

V. Approval of Final Order **(TAB 4)**

In Re: Sidney Harris
Appeal No 20-02

VI. Approval of Final Order **(TAB 5)**

In Re: Monica and Michael Davis
Appeal No 20-03

VII. Approval of Final Order **(TAB 6)**

In Re: Patrick and Jean Sartori
Appeal No 20-04

VIII. Public Comment

IX. Appeal Hearing **(TAB 7)**

In Re: Fairfax County
Appeal No 21-01

X. Interpretation Request **(TAB 8)**

In Re: Can a duly licensed contractor (Class A, B, or C), who carries a DPOR issued journeyman's card, apply for and obtain a permit from the local building department?

XI. Secretary's Report

a. May 2021 meeting update

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STATE BUILDING CODE TECHNICAL REVIEW BOARD

James R. Dawson, Chair
(Virginia Fire Chiefs Association)

W. Shaun Pharr, Esq., Vice-Chair
(The Apartment and Office Building Association of Metropolitan Washington)

Vince Butler
(Virginia Home Builders Association)

J. Daniel Crigler
(Virginia Association of Plumbing-Heating-Cooling Contractors and the Virginia Chapters of the Air Conditioning Contractors of America)

Alan D. Givens
(Virginia Association of Plumbing-Heating-Cooling Contractors and the Virginia Chapters of the Air Conditioning Contractors of America

David V. Hutchins
(Electrical Contractor)

Christina Jackson
(Commonwealth at large)

Joseph A. Kessler, III
(Associated General Contractors)

Eric Mays
(Virginia Building and Code Officials Association)

Joanne D. Monday
(Virginia Building Owners and Managers Association)

J. Kenneth Payne, Jr., AIA, LEED AP BD+C
(American Institute of Architects Virginia)

Richard C. Witt
(Virginia Building and Code Officials Association)

Aaron Zdinak, PE
(Virginia Society of Professional Engineers)

Vacant
(Commonwealth at large)

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STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING MINUTES
January 22, 2021
Virtual Meeting
https://vadhcd.adobeconnect.com/lbbca/

Members Present	Members Absent
Mr. James R. Dawson, Chairman	Mr. Alan D. Givens
Mr. W. Shaun Pharr, Esq., Vice-Chairman	
Mr. Vince Butler	
Mr. Daniel Crigler	
Ms. Christina Jackson	
Mr. Joseph Kessler	
Mr. Eric Mays, PE	
Ms. Joanne Monday	
Mr. J. Kenneth Payne, Jr., AIA	
Mr. Richard C. Witt	
Mr. Aaron Zdinak, PE	

Call to Order	The meeting of the State Building Code Technical Review Board ("Review Board") was called to order at approximately 10:00 a.m. by Secretary Travis Luter.
Roll Call	The roll was called by Mr. Luter and a quorum was present. Mr. Justin I. Bell, legal counsel for the Board from the Attorney General's Office, was also present.
Approval of Minutes	The draft minutes of the November 20, 2020 meeting in the Review Board members' agenda package were considered. Mr. Payne moved to approve the minutes as presented with a request to add "AIA" behind his name in the Members Present section of the minutes. The motion was seconded by Ms. Monday and passed with Messrs. Butler and Crigler abstaining. *Note: Ms. Jackson entered the meeting after the approval of the November 20, 2020 minutes.*
Interpretations	Approval of Interpretation 01/2020: After review and consideration of Interpretation 01/2020 presented in the Review Board members' agenda package, Mr. Witt moved to approve Interpretation 01/2020 as presented. The motion was seconded by Ms. Monday and passed with Messrs. Butler and Crigler abstaining.

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Public Comment

Chair Dawson opened the meeting for public comment. Mr. Luter advised that no one had contacted him to speak. With no one requesting to speak, requesting to be acknowledged to speak by use the raised hand feature of the Adobe Connect meeting platform, or requesting to speak in the chat box section of the Adobe Connect meeting platform, Chair Dawson closed the public comment period.

New Business

Sidney Harris; Appeal No. 20-02:

A hearing convened with Chair Dawson serving as the presiding officer. The hearing was related to buildings located at 5615 Hope Park Road in Fairfax County.

The following persons were sworn in and given an opportunity to present testimony:

Sidney Harris, Property Owner
Angela Harris, Witness for Appellant
Chief Rosa Holmes-Turner, Witness for Appellant
Margaret Delean, Fairfax County Division Supervisor
Gary Wallace, Fairfax County Code Investigator
Richard Grace, Fairfax County Code Specialist III
Dan Willham, Fairfax County Deputy Building Official

Also present was:

Sara Silverman, legal counsel for Fairfax County
Svantje Swider Fairfax County Attorney's Office

After testimony concluded, Chair Dawson closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties, and would contain a statement of further right of appeal.

Decision: Sidney Harris; Appeal No. 20-02:

After deliberations, Mr. Mays moved that the buildings and structures are farm buildings in accordance with VCC 102.3. Mr. Mays further moved to overturn the building official and local appeals board that violations of VCC Section 108.1, 113.3, 113.8, and 116.1 exist because the buildings are farm buildings. The motion was seconded by Mr. Zdinak and passed unanimously.

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Monica and Michael Davis; Appeal No. 20-03:

A hearing convened with Chair Dawson serving as the presiding officer. The hearing was related to the property owned by Monica and Michael Davis located at 1002 Round Hill School Road, in Augusta County.

The following persons were sworn in and given an opportunity to present testimony:

Monica Davis, Property Owner
Michael Davis, Property Owner
G. W. Wiseman, Augusta County Building Official

After testimony concluded, Chair Dawson closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties, and would contain a statement of further right of appeal.

Note 1: Mr. Mays left the meeting at 1:19pm during the Davis cross examination of Augusta County Building Official G. W. Wiseman for the Monica and Michael Davis Appeal (No. 20-03). Mr. Mays returned to the meeting at 2:45pm during the Board deliberation portion of the appeal; however, did not participate in the deliberations and abstained from all votes for the appeal.

Note 2: Mr. Pharr left the meeting after the closing statements portion of the Monica and Michael Davis Appeal (No. 20-03). Mr. Pharr did not participate in the vote for the appeal.

Decision: Monica and Michael Davis; Appeal No. 20-03:

Issue 1:

After deliberations, Mr. Witt moved to remand the matter back to the local appeals board for a determination of whether a violation of VCC Section R311.7.7 exists at the front door where water is ponding near the house, based on the new evidence provided to the Review Board on page 164 of the agenda package. The motion was seconded by Ms. Jackson. After further deliberation the motion and second were withdrawn.

After further deliberations, Mr. Payne moved to uphold the decision of the building official and local appeals board that a violation of VCC

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Section R311.7.7 does not exist. Mr. Payne further moved that violations of VCC Section R311.3 and R311.7.6 do exist. The motion was seconded by Ms. Monday.

After additional deliberations, Mr. Kessler moved to substitute for the pending motion the following: To overturn the decision of the building official and local appeals board, based on the evidence presented and testimony of the parties, that the top landing at the front door is not a violation of VCC Section R311.3 and the bottom landing at the front stairway is not a violation of VCC Section R311.7.6. The substitute was seconded by Ms. Monday. The motion to substitute passed. The motion as amended passed with Messrs. Butler and Crigler, and Ms. Jackson voting in opposition and Mr. Mays abstaining.

> *<u>Note:</u> The potential violations, identified by Ms. Davis, were not cited in the Notice of Violation (NOV) from the Building Official dated June 10, 2020; however, Ms. Davis believed the violations existed. In her statement of relief sought, filed with her appeals application to the Review Board, she attempted to cite a code section for the perceived violations. The Board Secretary identified the code section provided by Ms. Davis in the Suggested Issues for Resolution in the Staff Document found on pages 145-147 of the agenda package. Mr. Kessler's substitute to Mr. Payne's motion identifies that Ms. Davis cited the incorrect code section for the perceived violations, concurs with Ms. Davis that the violations do exist, and cites the applicable code sections for the violations.*

<u>Item 2:</u>

After deliberations, Mr. Payne moved to overturn the building official and local appeals board that a violation of VCC Section R309.1 does not exist in the attached garage. The motion was seconded by Ms. Monday and passed with Chair Dawson voting in favor, Messrs. Butler, Crigler and Witt and Ms. Jackson voting in opposition, and Mr. Mays abstaining.

<u>Item 3:</u>

After deliberations, Mr. Witt moved to uphold the building official and local appeals board that a violation of VCC Section R403.1.4.1 does not exist. The motion was seconded by Mr. Butler. After further deliberation the motion and second were withdrawn.

After further deliberations, Mr. Witt moved to remand the potential violation, related to the footing depth, back to the building official for further determination as to whether a violation of VCC Section

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R403.1.4.1 exists. The motion was seconded by Mr. Payne and passed with Mr. Butler voting in opposition and Mr. Mays abstaining.

Item 4:

After deliberations, Mr. Payne moved to uphold the building official and local appeals board that a violation of VCC Section R302.5.2 does not exist. Mr. Payne further moved that a violation of VCC Section N1102.4 does exist. The motion was seconded by Mr. Witt. After further deliberation the motion and second were withdrawn.

After further deliberations, Mr. Witt moved to uphold the building official and local appeals board that a violation of VCC Section R302.5.2 does not exist. Mr. Witt stated that based on the evidence presented and testimony of the parties the Board believes that potential violations of VCC Sections N1102.4 and M1601.6 do exist; therefore, further moved to remand the matter back to the building official to determine whether violations of VCC Section N1102.4 and M1601.6 exist. The motion was seconded by Mr. Payne and passed unanimously with Mr. Mays abstaining.

> *Note: The potential violation, identified by Ms. Davis, was not cited in the Notice of Violation from the Building Official dated June 10, 2020; however, Ms. Davis believed the violation existed. In her statement of relief sought, filed with her appeals application, she attempted to cite a code section for the perceived violation. The Board Secretary identified the code section provided by Ms. Davis in the Suggested Issues for Resolution in the Staff Document found on pages 145-147 of the agenda package. Mr. Witt's motion identifies that Ms. Davis cited the incorrect code section for the perceived violation, concurs with Ms. Davis that violations may exist, and remands the matter back to the building official for further investigation and determination as to whether violations exist while citing the application code Sections VCC Section N1102.4 and MN1601.6.*

Items 5 and 6:

After deliberations, Mr. Payne moved to uphold the decision of the building official and local appeals board that a violation of VCC Section R317.1 does not exist. The motion was seconded by Mr. Witt and passed unanimously with Mr. Mays abstaining.

After deliberations, Mr. Payne moved to uphold the decision of the building official and local appeals board that a violation related to the shoe block or full cut header block installation does not exist. The

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motion was seconded by Mr. Witt and passed unanimously with Mr. Mays abstaining.

Note: Items 5 and 6 were handled by the Board with the same motion, second, and vote.

Patrick and Jean Sartori; Appeal No. 20-04:

A hearing convened with Chair Dawson serving as the presiding officer. The hearing was related to the property owned by Patrick Sartori located at 9408 Breezewood Lane, in Culpeper County.

Mr. Witt recused himself from the hearing because he served on the Board of Housing and Community Development for many years with the General Contractor for the project, Anthony Clatterbuck. Mr. Witt then exited the virtual meeting. Mr. Witt will be notified by the Secretary at the conclusion of this case to rejoin the meeting.

The following persons were sworn in and given an opportunity to present testimony:

Patrick Sartori, Property Owner
Jean Sartori, Property Owner
Robert Orr, Culpeper County Building Official

Also present was:

Bobbi Jo Alexis, Esq., legal counsel for Culpeper County

After testimony concluded, Chair Dawson closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties, and would contain a statement of further right of appeal.

Decision: Patrick and Jean Sartori; Appeal No. 20-04:

After deliberations, Mr. Mays moved to uphold the building official and local appeals board that the county followed the law and regulations and applied them correctly in issuing the Notice of Violation to the property owner. The motion was seconded by Mr. Butler and passed with Ms. Monday and Messrs. Kessler and Zdinak voting in opposition.

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Interpretation Request	Interpretation Request of James Carter (York County); Interpretation Request No. 08-20:
	An interpretation request from James Carter of York County was considered concerning the 2015 Virginia Construction Code (VCC), on Section 302.7 related to whether in an unfinished basement stairway, is an area considered enclosed and accessible if there are walls framed but open studs and no drywall.
	Mr. Mays moved that the answer to the question of whether the area under the stairway in an unfinished basement with open stud framing with no drywall installed is considered enclosed to be yes. The motion was seconded by Ms. Jackson. After deliberation the motion and second were withdrawn.
	After further deliberation, Mr. Mays moved that the answer to the question of whether the area under the stairway in an unfinished basement with open stud framing with no drywall installed is considered enclosed to be no. The motion was seconded by Mr. Butler and passed unanimously.
Secretary's Report	Mr. Luter distributed a draft copy of Review Board Policy #25 and #26, which was prepared by staff at the request of the Review Board. After review and consideration of Review Board Policy #25 and #26, Mr. Mays moved to approve Review Board Policy #25 and #26 with an editorial edit adding, *"When meetings are held in a virtual format,"* at the beginning of the Policy Statement. The motion was seconded by Mr. Payne and passed unanimously.
	Mr. Luter informed the Board of the current caseload for the upcoming meeting scheduled for March 19, 2021.
	Attorney Bell provided legal updates to the Board.
Adjournment	There being no further business, the meeting was adjourned by proper motion at approximately 6:10 p.m.

Approved: March 19, 2021

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Chairman, State Building Code Technical Review Board

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Secretary, State Building Code Technical Review Board

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VIRGINIA STATE BUILDING CODE TECHNICAL REVIEW BOARD

I N T E R P R E T A T I O N

Interpretation Number: 1/2021

Code: USBC, Part I, Virginia Construction Code/2015

Section No(s): Section R302.7

R302.7 Under-stair protection.

Enclosed accessible space under stairs shall have walls, under-stair surface and any soffits protected on the enclosed side with ½″ (12.7mm) gypsum board.

QUESTION #1: If open stud framing has been installed without drywall under the stairway in an unfinished basement, is the enclosed?

ANSWER: No.

Note: The area is not considered enclosed. The area is not considered accessible.

This Official Interpretation was issued by the State Building Code Technical Review Board at its meeting of March 19, 2021.

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Chairman, State Building Code Technical Review Board

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Sidney Harris
Appeal No. 20-02

DECISION OF THE REVIEW BOARD

I. Procedural Background

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

II. Case History

On March 2, 2020 the Fairfax County Department of Code Compliance (County), the agency responsible for the enforcement of Part 1 of the 2015 Virginia Uniform Statewide Building Code (Virginia Construction Code or VCC), performed an inspection of the property owned by Sidney Harris (Harris) located at 5615 Hope Park Road in Fairfax County. The inspection resulted in the issuance of a Stop Work Order (SWO). On April 28, 2020, the County confirmed the violations still existed; On May 15, 2020, the County issued a Notice of Violation (Notice) citing violations to VCC Sections 108.1 (When applications are required), 113.3 (Minimum inspections), 113.8 (Final inspection), and 116.1 (General; when to be issued) for the lack of proper permits, inspections, and final approvals.

Harris filed a timely appeal to the Fairfax County Board of Building Code Appeals (local appeals board) stating, all structures located on the property were code compliant and that the SWO issued referenced a different property. The local appeals board denied the appeal. Harris

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further appealed to the Review Board, after receiving the decision of the local appeals board, on August 5, 2020 asserting that the structures were farm buildings used to support farming operations.

A virtual Review Board hearing was held January 22, 2021. Appearing at the Review Board hearing for Fairfax County were Richard Grace, Margaret Delean, Gary Wallace, Dan Willham, Svantje Swider, and Sara Silverman, legal counsel. Sidney Harris, Angela Harris, and Chief Rosa Holmes-Turner attended the hearing on behalf of Sidney Harris.

III. Findings of the Review Board

A. Whether the buildings and structures on the property located at 5615 Hope Park Road, identified in the Notice, are farm buildings and structures in accordance with VCC Section 102.3 (Exemptions) #9 and as defined in Chapter 2 of the VCC.

B. Whether to uphold the decision of the County and the local appeals board that violations of the VCC Sections 108.1 (When applications are required), 113.3 (Minimum inspections), 113.8 (Final inspection), and 116.1 (General; when to be issued) for the lack of proper permits, inspections, and final approvals exist.

Sidney Harris, through his witness, argued that the property had been a farm since 1895. Harris argued that the stocked fishpond, fruit trees, and chickens on site served as proof that the property was a farm and thus the buildings on the property were farm buildings supporting farm operations. He further argued that the farm was being used for outreach to the youth of Fairfax County ages 12-19 to teach them life skills.

The County, through legal counsel, argued that the property was a junkyard/storage yard. The County pointed out to the Review Board that the building provisions of the Code of Virginia, §36-97, defines farm buildings or structures as not residential and part of farming operations. The County argued that the property was not a farm because no farming operations take place on the

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property. The County also pointed out to the Review Board that §36-97 does not define farm operation; however, farm operation is defined in many other places throughout the Code of Virginia. The County argued that in those definitions, the business of farming is discussed and that Mr. Harris had not testified that the farming operations on the property were a business such as selling chickens and/or fruit. The County additionally argued that the size of the buildings on the property were greater than 256 square feet and required permits, inspections, and final approvals.

The Review Board agrees with Sidney Harris that the structures cited in the Notice are farm buildings supporting farming operations in accordance with VCC Section 102.3 (Exemptions) #9 and the definition of "Farm building or structure" in Chapter 2 of the VCC. The Board also finds that violations of the VCC Sections 108.1 (When applications are required), 113.3 (Minimum inspections), 113.8 (Final inspection), and 116.1 (General; when to be issued) for the lack of proper permits, inspections, and final approvals do not exist. The Review Board notes that the farm building or structure exemption is VCC Section 102.3 (Exemptions) #9 is not based on the amount of income the owner derives from the operation on the property. The Review Board also notes that the definition of farm operations, provided by the County in its argument, do not apply in this matter as they were pulled from unrelated portions of the Code of Virginia.[1]

IV. Final Order

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders as follows:

[1] See Review Board Case No 16-9

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A. Whether the buildings and structures on the property located at 5615 Hope Park Road, identified in the Notice, are farm buildings and structures in accordance with VCC Section 102.3 (Exemptions) #9 and as defined in Chapter 2 of the VCC.

The decision by the County and local appeals board that the structures cited in the NOV are not farm buildings supporting farming operations in accordance with VCC Section 102.3 (Exemptions) #9 is overturned.

B. Whether to uphold the decision of the County and the local appeals board that violations of the VCC Sections 108.1 (When applications are required), 113.3 (Minimum inspections), 113.8 (Final inspection), and 116.1 (General; when to be issued) for the lack of proper permits, inspections, and final approvals exist.

The decision by the County and local appeals board that violations of the VCC Sections 108.1 (When applications are required), 113.3 (Minimum inspections), 113.8 (Final inspection), and 116.1 (General; when to be issued) for the lack of proper permits, inspections, and final approvals exist is overturned.

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Chair, State Building Code Technical Review Board

Date entered _____March 19, 2021_____

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As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Monica and Michael Davis
Appeal No. 20-03

DECISION OF THE REVIEW BOARD

I. Procedural Background

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

II. Case History

On March 27, 2020, the County of Augusta Department of Community Development (County Building Official), the agency responsible for the enforcement of Part 1 of the 2012 Virginia Uniform Statewide Building Code (Virginia Construction Code or VCC), issued the Certificate of Occupancy to Monica and Michael Davis (Davis), for a single-family dwelling located at 1002 Round Hill School Road, in Augusta County.

Shortly after moving into their new home, Davis contacted the County Building Official requesting he come inspect a variety of issues and concerns they had with their home, attached garage, and detached garage.

In June and July of 2020, the County Building Official visited the Davis property, investigated their issues and concerns, and identified twenty-two (22) code violations, which he cited in a letter (report) to Davis. In the report, the County Building Official also addressed three of the issues presented by Davis, explaining why those three issues were not code violations.

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Davis filed a timely appeal to the Augusta County Board of Building Code Appeals (local appeals board). The local appeals board upheld the decisions of the County Building Official. On October 15, 2020, Davis further appealed to the Review Board.

A virtual Review Board hearing was held January 22, 2021. Appearing at the Review Board hearing for Augusta County was G. W. Wiseman. Monica and Michael Davis attended the hearing on their behalf.

III. Findings of the Review Board

A. Whether to uphold the decision of the County Building Official and the local appeals board that violations of the VCC Sections 311.3 (Floors and landings at exterior doors) and R311.7.6 (Landings for stairways) do not exist.

Davis argued that the landing at the top of the stairway, at the front door, sloped towards the structure causing water to pond near the structure rather than being sloped away from the structure to facilitate the movement of water away from the structure and off the porch. Davis also argued that the landing at the bottom of the stairway was sloped towards the handrail rather than away from the stairway. Davis further argued that the landing, a concrete sidewalk, was not as wide as the stairway as required by the code. Lastly, Davis argued that adjusting the grade to make the bottom landing code compliant would create a new code violation related to the slope of the grade away from the foundation, which requires six inches (6”) of fall in the first 10 feet (10’).

The County argued that the slope of the landings at the top and bottom of the stairway, at the front door, were within the 2% allowance in the code requirements with typical high and low areas, which is typical with concrete. The County concurred that the landing at the bottom of the stairway, a concrete sidewalk, was not as wide as the stairway and that the County has instructed the contractor to bring the grade up on each side of the sidewalk to make the landing the same

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width as the stairway and bring it into compliance. The County argued that the code did not require the landing to be constructed entirely of the same material and that the concrete sidewalk and corrected grade was code compliant.

The Review Board agrees with Davis that violations of VCC Sections 311.3 (Floors and landings at exterior doors) and R311.7.6 (Landings for stairways) exist on the top and bottom landings at the front door.

B. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section R309.1 (Floor surfaces) does not exist.

Davis argued that the slope of the attached garage floor was not properly sloped to facilitate the movement of water to the main vehicle entry doorway. She further argued that the garage floor sloped inward. Davis also argued that the garage door seals were unable to properly seal, allowing water to enter the garage along the entire width of the garage door.

The County argued that the floor in the attached garage sloped towards the door. The Review Board agrees with Davis that a violation of VCC Section R309.1 (Floor surfaces) exists on the attached garage floor.

C. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section R403.1.4.1 (Frost protection) does not exist.

Davis argued that the entire front of the structure and 25% of each side of the structure was not protected from frost. Davis clarified the method required to protect the foundation wall from frost, based on the construction of the structure, was for the foundation wall to extend below the frost depth identified for Augusta County. Davis further argued that in order for the foundation wall to extend below the required frost depth, the entire footing needed to be below the required frost depth, which was not the case for a large percentage of the building foundation wall.

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The County argued that the frost line in Augusta County was 24" and was measured from the finished grade to the bottom of the footing. The County argued that concrete could not freeze and the ground could not freeze below the 24" frost line; therefore, the ground could not heave; thus, the foundation was protected. The County argued that, pursuant to contractor verification and testimony at the local appeals board hearing, the footing under the attached garage was a double footing. The County concurred with Davis that the footing under the detached garage was not code compliant due to lack of frost protection. The County stated that the footing for the detached garage was addressed in his report and the engineering report from Schnitzhofer Structural Engineers, which included how to correct the code violation.

The Review Board finds that, additional evaluation of the foundation is needed to determine whether a violation of VCC Section R403.1.4.1 (Frost protection) exists; therefore, remands the matter back to the County Building Official for further determination.

D. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section R302.5 (Duct Penetration) does not exist.

Davis argued that the door to the half bathroom, located in the attached garage, should be sealed to prevent exhaust fumes from entering the half bathroom. Davis further argued that because the HVAC duct system in the half bathroom was connected to the HVAC duct system that supplied the entire structure exhaust fumes that enter the half bathroom, due to the unsealed door, could travel through the HVAC duct system and contaminate the entire structure with carbon monoxide.

The County concurred that the door to the half bathroom, located in the attached garage, must be replaced with a fire rated door, per item #14 of the County Building Official's report, due to the presence of the duct in the half bathroom. The County argued that the code does not required the door to be smoke or vapor tight.

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The Review Board agrees with the County Building Official that a violation of VCC R302.5.2 does not exist. However, the Board finds that, based on the evidence provided and the testimony of the parties, violations of VCC Section N1102.4 and M1601.6 may exist; therefore, remands the matter back to the County Building Official for further determination.

E. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section R317.1 (Location required) does not exist.

Davis argued that, on the detached garage, the wood framing members around the garage door and along several walls of the structure, rest on masonry or concrete and are located less than eight (8") inches from grade, and in some areas below grade; therefore, are required to be treated lumber.

The County argued that it had not been made aware of this issue. The County further argued that the framing for the garage door was not a part of the wall framing and not fastened to the foundation wall; therefore, VCC Section R317.1 did not apply to the garage door framing. The County also argued that a treated frame under the wood foundation wall, as required by VCC Section R317.1, was present in the evidence provided.

The Review Board agrees with the County Building Official that a violation of VCC Section R317.1 does not exist.

F. Whether to uphold the decision of the County Building Official and the local appeals board that a violation related to the shoe block or full cut header block installation does not exist.

Davis argued that the installation of full cut header blocks in the foundation wall should not have been used. Davis further argued that full cut header blocks should only be used where concrete is poured; thus, filling the open voids in the blocks. She also argued that the blocks in the foundation wall were filled with stone rather than concrete.

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The County argued that the only evidence of the installation that he saw were the images in the agenda package and from those images he could not make a solid determination whether concrete went into the header blocks. The County further argued that the concrete slab was supported on a gravel base; therefore, was code compliant. The County also argued that the block was adequate for support as it was an 8" block and it provided the minimum bearing requirement for the floor joist; therefore, was code compliant.

The Review Board agrees with the County Building Official that a violation related to the shoe block or full cut header block installation does not exist.

IV. Final Order

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders as follows:

A. Whether to uphold the decision of the County Building Official and the local appeals board that violations of the VCC Sections 311.3 (Floors and landings at exterior doors) and R311.7.6 (Landings for stairways) do not exist.

The decision by the County Building Official and local appeals board that violations of VCC Sections 311.3 (Floors and landings at exterior doors) and R3117.6 (Landings for stairways) do not exist is overturned.

B. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section R309.1 (Floor surfaces) does not exist in the attached garage.

The decision by the County Building Official and local appeals board that a violation of the VCC Section R309.1 (Floor surfaces) does not exist in the attached garage is overturned.

C. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section R403.1.4.1 (Frost protection) does not exist.

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The decision by the County Building Official and local appeals board that a violation of the VCC Section R403.1.4.1 (Frost protection) does not exist is remanded back to the County Building Official for further determination as to whether the violation exists.

D. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section R302.5 (Duct Penetration) does not exist.

The decision by the County Building Official and local appeals board that a violation of the VCC Section R302.5 (Duct Penetration) does not exist is upheld but potential violations of VCC Sections N1102.4 and M1601.6 do exist; therefore, remanded the matter back to the County Building Official to determine whether violations of N1102.4 and M1601.6 exist.

E. Whether to uphold the decision of the County Building Official and the local appeals board that a violation of the VCC Section R317.1 (Location required) does not exist.

The decision by the County Building Official and local appeals board that a violation of the VCC Section R317.1 (Location required) does not exist is upheld.

F. Whether to uphold the decision of the County Building Official and the local appeals board that a violation related to the shoe block or full cut header block installation does not exist.

The decision by the County Building Official and local appeals board that a violation related to the shoe block or full cut header block installation does not exist is upheld.

_____

Chair, State Building Code Technical Review Board

Date entered _____March 19, 2021_____

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As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Patrick and Jean Sartori
Appeal No. 20-04

DECISION OF THE REVIEW BOARD

I. Procedural Background

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

II. Case History

On August 20, 2020, the Culpeper County Building Department (County building official), the agency responsible for the enforcement of Part 1 of the 2012 Virginia Uniform Statewide Building Code (Virginia Construction Code or VCC), issued a Notice of Violation (NOV) to Patrick Sartori (Sartori), owner of a single-family dwelling located at 9408 Breezewood Lane in Culpeper County. The NOV cited a violation of VCC Section R403.1.8 (Foundations on expansive soils) and required Sartori to submit an engineered evaluation of the current footing design with expansive soil conditions and repair if necessary.

In September of 2020, Sartori filed an appeal to the Joint Board of Building Code Appeals of the Town and County of Culpeper (local appeals board). The local appeals board upheld the decision of the County building official finding that as an underlined responsible party, the County Building Department is permitted to issue a code violation to the property owner.

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On October 22, 2020, Sartori further appealed to the Review Board. A virtual Review Board hearing was held January 22, 2021. Appearing at the Review Board hearing for Culpeper County were Robert Orr and Bobbi Jo Alexis, legal counsel. Patrick and Jean Sartori, property owner, also attended the hearing.

III. Findings of the Review Board

A. Whether to uphold the decision of the County building official and local appeals board that, a code violation of VCC Section R403.1.8 (Foundations on expansive soils) can be issued to the property owner when the structure was permitted by the County and constructed by a Class A licensed contractor.

Sartori argued that the building contractor was the responsible party and that, as the owner of the property, he was not the responsible party. Sartori argued that, in accordance with VCC Section 115, to be the responsible party you must violate the code. Sartori further argued that to violate the code you must apply for, and be granted a permit. Lastly, Sartori argued that the building contractor applied for the permit and violated the code; therefore, the building contractor was the responsible party.

The County building official, through legal counsel, argued that the property owner is always the responsible party in accordance with the Code of Virginia, which was confirmed by the Attorney General's opinion dated December 14, 1978. The County building official also argued that the building contractor and Sartori were in disagreement over how the contract reads, which engineering firm should opine on the issue, or how to cure the issue, which made the situation unique and warranted issuing the NOV to both the building contractor and Sartori. The County building official further argued that Sartori did not want the building contractor to return to the property to perform work to cure the issue.

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The Review Board finds that the County building official properly applied the Code of Virginia and the regulations by issuing the NOV to Sartori.

IV. Final Order

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders as follows:

A. Whether to uphold the decision of the County building official and local appeals board that, a code violation of VCC Section R403.1.8 (Foundations on expansive soils) can be issued to the property owner when the structure was permitted by the County and constructed by a Class A licensed contractor.

The decision of the County building official and local appeals board to issue the NOV to Sartori is upheld.

_____
Chair, State Building Code Technical Review Board

Date entered _____March 19, 2021_____

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with W. Travis Luter, Sr., Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Fairfax County
Appeal No. 21-01

CONTENTS

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Fairfax County
Appeal No. 21-02

REVIEW BOARD STAFF DOCUMENT

Suggested Statement of Case History and Pertinent Facts

1. On September 29, 2020, Freedom Plumbers Corporation (Freedom) filed a code modification request to the Fairfax County Department of Code Compliance (County), the agency responsible for the enforcement of Part 1 of the 2015 Virginia Uniform Statewide Building Code (Virginia Construction Code or VCC), for the home, located at 6231 Nelway Drive, McLean, Virginia in Fairfax County. The modification request was for VCC Sections P3002.1 (Piping within a building), P3002.2 (Building sewer), and P3002.3 (Fittings) which require drain, waste, vent, and sewer piping and fittings to copy with the materials and reference standards listed in VCC Tables P3002.1(1), P3002.1(2), and P3002.3 for the installation of Cured in place pipe (CIPP) in 95' of sewer piping.

2. On October 9, 2020, the County approved the modification request contingent on eleven (11) conditions.

3. On October 12, 2020, Freedom submitted the pre-lining video pursuant to the County contingency listed in the modification approval letter. The pre-lining video was failed by the County due to the pipe holding water.

4. Freedom filed a timely appeal to the Fairfax County Board of Building Code Appeals (local appeals board) stating that the home was constructed 1963, the sewer pipe was cast iron, and the grade was compliant when originally installed. Freedom further stated in its appeal

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that the pipe was jetted, descaled, and relined to create a smooth working surface, which has been working properly since the work was performed. The local appeals board approved the appeal for the installation of the CIPP on December 9, 2020.

5. On January 4, 2021, the County further appealed to the Review Board stating that the local appeals board decision resulted from sympathy for the homeowner having to endure a costly repair of the sewer pipe through conventional means rather than a correction to a sewer pipe backgrade and appropriate enforcement of the USBC.

6. This staff document along with a copy of all documents submitted will be sent to the parties and opportunity given for the submittal of additions, corrections or objections to the staff document, and the submittal of additional documents or written arguments to be included in the information distributed to the Review Board members for the appeal hearing before the Review Board.

Suggested Issues for Resolution by the Review Board

1. Whether to uphold the decision of the County and overturn the decision of the local appeals board that, a violation of the 2021 International Residential Code Section R3011.5 (Prohibited applications) exists.

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Basic Documents

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Code Modification Request

COUNTY USE ONLY

Date Rec'd:

File No:

Assigned:

APPLICANT INFORMATION

Name/Title: Richard (Ricky) Salinas, CEO Date: 9/29/2020

Firm: Freedom Plumbers Corp

Street address: 7631 Coppermine Dr

City: Manassas State: VA ZIP: 20109

Office phone: 703-895-4109 Cell phone: 703-789-2899

Email address: ricky@freedomplumbers.com

PROJECT INFORMATION

Name: Leonard, Leo

Address: 6231 Nelway Dr, McLean, VA 22101

Permit number: 202690368 Plan number:

Code deficiency identified by (if applicable):

CODE/SECTION(S)

Code(s) (IBC, IMC, IPC, etc.) and year-edition: IPC 2018

Section(s) and/or subsection(s): 3

REQUEST/SOLUTION

Describe the code or design deficiency and practical difficulty in complying with the code provision:

case # 202005008: 95' Sewer Lateral Rehabilitation via Lateral Lining CIPP

I Request for a modification of Virginia Residential Code Section P3002.1, Piping within buildings, P3002.2, Building sewer, and P3002.3, Fittings which require drain, waste, vent, and sewer pipe and fittings to comply with the materials and reference standards listed in Tables P3002.1(1), P3002.1(2), P3002.2 and P3002.3.

Describe the proposed equivalent method of code compliance (attach supporting documentation):

My request is to install a cured-in-place-pipe (CIPP) lateral lining inversion method system for the rehabilitation of an existing building sewer and/or building drain. This is a process in which a resin material is field fabricated, then injected into an existing sewer or drain pipe which forms a shell on the interior perimeter of the existing pipe. This process will reduce the inside diameter of a pipe by approximately 1 D 2-inch. The materials and the installation process follow strict requirements outlined in specific testing and practice standards such as ASTM D790, D695, F1216 and F1743. I believe that this process for relining existing building sewers and building drains is an equivalent method to providing piping system materials listed in the above referenced tables.

Please return the completed form and any supporting documentation to the address or email below. A $216.32 fee is required at the time of submittal. This total fee includes a base fee of $208.00 plus a 4% technology surcharge. The application will not be further processed until this fee has been collected.

Code Modification Review Committee
12055 Government Center Parkway, Suite 216
Fairfax, VA 22035-5504
buildingofficial@fairfaxcounty.gov

October 9, 2020

Richard Salinas
Freedom Plumbers Corp
7631 Coppermine Drive
Manassas, Virginia 20109

Subject: Leo Leonard
6231 Nelway Drive
A/P# 202690368

Code Reference: 2015 Virginia Residential Code

File Reference: 200930.0AD

Dear Mr. Salinas:

This is in response to your request for a modification of Virginia Residential Code Section P3002.1, *Piping within buildings*, P3002.2, *Building sewer*, and P3002.3, *Fittings* which require drain, waste, vent, and sewer pipe and fittings to comply with the materials and reference standards listed in Tables P3002.1(1), P3002.1(2), P3002.2 and P3002.3.

Your request is to install a cured-in-place-pipe (CIPP) lateral lining inversion method system for the rehabilitation of an existing building sewer and/or building drain. This is a process in which a resin material is field fabricated, then injected into an existing sewer or drain pipe which forms a shell on the interior perimeter of the existing pipe. This process will reduce the inside diameter of a pipe by approximately ½-inch. The materials and the installation process follow strict requirements outlined in specific testing and practice standards such as ASTM D790, D695, F1216 and F1743. You believe that this process for relining existing building sewers and building drains is an equivalent method to providing piping system materials listed in the above referenced tables.

After due consideration, your request is approved, contingent on the following conditions:

- The existing building sewer and/or building drain (the piping) to be relined shall be limited to gravity drainage piping, 4 inches in diameter and larger.
- The piping shall be descaled and cleaned prior to the relining installation in accordance with the manufacturer's installation instructions and applicable ASTM standard(s).
- A recorded video camera survey shall be conducted following the descale and cleaning process. Water shall be thoroughly flushed through the system prior to the video. This video survey shall include verification of the project address, approximate depth of the piping, notations of cleanout and fitting locations, and length of pipe notations at intervals not to exceed 25 feet.

- The pre-installation video camera survey shall be submitted to the Building Division, along with the manufacturer's installation instructions, for review to determine the applicability of relining the piping prior to permit issuance. Videos may be uploaded at www.fairfaxcounty.gov. Search "sewer video submission form."
- Should the review of the piping reveal incorrectly installed piping systems or defects, relining shall not be permitted. Defects include, but are not limited to, backgrade or insufficient slope, excessive pipe wall deterioration, separation caused by inadequate support, or openings in the piping system caused by tree root invasion or other intrusions.
- The relining material shall be manufactured in compliance with applicable reference standards and certified as required by Virginia Residential Code Section P2609.
- The relining installation shall be performed in accordance with the manufacturer's installation instructions and all applicable reference standards.
- Material data recordation shall be provided to the Building Division prior to receiving a final inspection. Material data recordation shall be as prescribed by the relining material manufacturer and shall include at a minimum, the location of the project, the relining material type, the amount of product installed and the conditions of the installation. Material data recordation may be uploaded at www.fairfaxcounty.gov. Search "sewer video submission form."
- A post-installation recorded video camera survey shall be conducted after the relining installation is complete and the piping has been flushed and flow tested with water. This video survey shall include verification of the project address.
- The post-installation video camera survey shall be submitted to the Building Division for review of possible defects. Identified defects shall be repaired in accordance with the Virginia Residential Code requirements prior to a final inspection.
- A written certification, signed by the permit holder, shall be provided to the Building Division indicating that the relining materials have been installed in accordance with the Virginia Residential Code, the manufacturer's installation instructions and the applicable reference standards. Written certification may be uploaded at www.fairfaxcounty.gov. Search "sewer video submission form."

You have the right to appeal this decision to the Board of Building Code Appeals within 30 days from the date you receive this letter. You may arrange an appeal or obtain information on the appeals process by visiting the county website at *www.fairfaxcounty.gov/landdevelopment/code-interpretations-modifications-and-appeals* or by contacting the secretary to the board, Carla Guerra-Moran, at 703-324-1780, TTY 711 or *carla.guerra-moran@fairfaxcounty.gov*.

Please have a copy of this letter available for inspectors at the job site.

This response is project specific and applies to the subject address only. Should you have any questions or need more information on this matter, please contact Richard Grace at 703-324-1687, TTY 711 or at *richard.grace@fairfaxcounty.gov*.

Sincerely,

Brian F. Foley, P.E.
Building Official

cc: Dan Willham, Deputy Building Official, Building Code Research and Development
James Canter, Chief, Inspections, Building Division
Richard Grace, Code Specialist III, Building Code Research and Development
Manuel Felipe, Code Compliance Investigator, Department of Code Compliance

j:\lds\administration\advisory\aaa code modification\nelway drive\6231\200114.0ad cipp cured in place pipe\second\letter.docx

02/03/2020 Pre-liner video at 6231 Nelway Drive

https://www.youtube.com/watch?v=11SFAiUlCZs&feature=youtu.be

Sewer Video Submission Form

Contractor Email *	ricky@freedomplumbers.com	Is this property served by The Town of Vienna Public Works Sewer? *	No
Contractor Name *	Freedom Plumbers Corp		
Phone Number *	7037892899	Date *	10/12/2020
Job Site Address *	6231 Nelway Dr		
Building Permit Number *	CASE # 202005008		
Type of sewer video/document *	Pre-relining video (must request code modification and building permit prior to commencing work)		
Description of video/document *	Video Submission to get approval to do Lateral Lining. This video was recorded after cast iron descaling.		

Video has been viewed: ☑

Please provide us videos in .vob or .mp4 format under 100MB:

Add Attachments

For videos over 100MB ONLY - Please submit a YouTube link here:

YouTube Link https://youtu.be/11SFAiUlCZs

https://youtu.be/11SFAiUlCZs

https://youtu.be/11SFAiUlCZs

Pass/Fail: Failed

Comments It appears this pipe is holding water.

From: Ricky Salinas <ricky@freedomplumbers.com>
Sent: Tuesday, October 13, 2020 8:46 AM
To: LDS Building Official
Cc: Felipe, Manuel; Canter, James; Willham, Dan
Subject: Re: 6231 Nelway Drive, Permit 202690368

Good morning Mr. Grace,

I received an email from a noreply@workflownotification.com stating that they see the pipe holding water. I wanted to reply to that with an explanation but the email address is pretty clear. Do not reply.

That said, how do I reply to that notification. The Leonards have a cast iron sewer that has been smoothed out after descale. The pipe is flat as a pan. Meaning minimal to no grade in some parts. This grade was done upon original install and its that way the entire length of the sewer until the tap. The pipe needed rehab or replacement due to repeat clogs in a highly corroded cast iron sewer. These clogs caused issues in a finished basement. The very same pipe sits under expensive flooring and a lot of landscaping which is why we opted for Lateral Lining.

Your guidance is very much appreciated.

Best Regards,

Ricky Salinas, CEO
Freedom Plumbers Corporation
DBA: Freedom Plumbers & Pumpers. Septic & Drain
703-895-4109
ricky@freedomplumbers.com

Licensing:
Contractor B: 2705168358
Master Plumber: 2710070622
Master Septic Operator: 1942001547
Master Septic Installer: 1944002095
Sewage Handling Permit: SH-061-900

On Oct 9, 2020, at 8:08 AM, LDS Building Official <LDSBuildingOfficial@fairfaxcounty.gov> wrote:

Mr. Salinas,
Attached is the results from your code modification request for the subject address. Please let me know if you have any questions.

Richard Grace, MCP
Code Specialist III
Local Board of Building and Fire Code Appeals Liaison
Building Code Research and Development
Land Development Services
Fairfax County, Virginia
703-324-1687
From: LDS Building Official <LDSBuildingOfficial@fairfaxcounty.gov>
Sent: Wednesday, October 7, 2020 1:41 PM
To: Ricky Salinas <ricky@freedomplumbers.com>; LDS Building Official <LDSBuildingOfficial@fairfaxcounty.gov>
Cc: Felipe, Manuel <Manuel.Felipe@fairfaxcounty.gov>
Subject: RE: Code Mod Request Case# 202005008
Thank you Mr. Salinas. I will forward your request on to the code advisory committee for review and recommendation.
Richard
From: Ricky Salinas <ricky@freedomplumbers.com>
Sent: Wednesday, October 7, 2020 12:47 PM
To: LDS Building Official <LDSBuildingOfficial@fairfaxcounty.gov>
Cc: Felipe, Manuel <Manuel.Felipe@fairfaxcounty.gov>
Subject: Re: Code Mod Request Case# 202005008
Good afternoon Mr. Grace,
Please see the attached receipt showing the payment on 9/30/2020
I hope this receipt is to your satisfaction. Thank you for your help.

Best Regards,

Ricky Salinas, CEO
Freedom Plumbers Corporation
DBA: Freedom Plumbers & Pumpers. Septic & Drain
703-895-4109
ricky@freedomplumbers.com

Licensing:
Contractor B: 2705168358
Master Plumber: 2710070622
Master Septic Operator: 1942001547
Master Septic Installer: 1944002095
Sewage Handling Permit: SH-061-900

Get personalized rates for monthly payments here:

www.freedomplumbers.com

To see our every day work, visit our Facebook Page:

https://www.facebook.com/FreedomPlumbers
<image001.png>
On Oct 6, 2020, at 11:51 AM, LDS Building Official <LDSBuildingOfficial@fairfaxcounty.gov> wrote:
Mr. Salinas,
I haven’t received confirmation from the cashier’s office for

payment on this code modification request. Was it paid? Do
you have a receipt?
Thanks,
Richard
From: Ricky Salinas <ricky@freedomplumbers.com>
Sent: Wednesday, September 30, 2020 9:48 AM
To: LDS Building Official <LDSBuildingOfficial@fairfaxcounty.gov>
Cc: Felipe, Manuel <Manuel.Felipe@fairfaxcounty.gov>
Subject: Re: Code Mod Request Case# 202005008
Good morning Mr. Grace,
Thank you for the Fee Transmittal Form. A payment in the form of an
electronic check has been submitted.
I will wait to hear from you for the next step. Thank you for your help.

Best Regards,

Ricky Salinas, CEO
Freedom Plumbers Corporation
DBA: Freedom Plumbers & Pumpers. Septic & Drain
703-895-4109
ricky@freedomplumbers.com

Licensing:
Contractor B: 2705168358
Master Plumber: 2710070622
Master Septic Operator: 1942001547
Master Septic Installer: 1944002095
Sewage Handling Permit: SH-061-900

<image001.png>
On Sep 30, 2020, at 8:04 AM, LDS Building Official
<LDSBuildingOfficial@fairfaxcounty.gov> wrote:
<Fee Transmittal Form.pdf>
<Signed Letter.pdf>

Date received:
10/14/2020, rgrace

Building Code Appeal Request

PROJECT INFORMATION

Project Name: Permit 202690368 Case# 202005008

Project Address: 6231 Nelway Dr, McLean, VA

Permit or case number: Permit 202690368 Case# 202005008 Tax map number:

APPLICANT INFORMATION

Applicant Name: Freedom Plumbers Corporation ☐ Owner ■ Owner's agent

Address: 7631 Coppermine Dr

City: Manassas State: VA ZIP: 20109

Phone: 7038954109 Email: ricky@freedomplumbers.com

OWNER INFORMATION

☐ See applicant information

Owner Name: Leo, Leonard

Address: 6231 Nelway Dr

City: Mclean State: VA ZIP: 22101

Phone: (703) 915-1965 Email: kbdirector89@gmail.com

APPEAL INFORMATION

Appealing decision made on the date of by ■ Building Official ☐ Fire Official ☐ Property Maintenance Official

rendered on the following date: 10/13/2020

Code(s) (IBC, IMC, IPMC, etc.) and year-edition: 2015 Virginia Residential Code

Section(s):

REQUEST/SOLUTION

Describe the code or design deficiency and practical difficulty in complying with the code provision:

The home was constructed in 1963. A Cast Iron pipe installation was the material of choice for the builder. This pipe was installed with a grade that fails to meet today's code standards. The pipe is not collapsed or broken and does not have root intrusion. Now, nearly 60 years later, the sewer became a major problem to the health and safety of the residents living in the home due to very frequent back ups. It was found that said back ups were caused by a severe deterioration of the inside walls of the pipe and the accumulation of cast iron scale build up. The pipe required a rehabilitation. The Pipe was descaled and jetted to improve flow and relined to create a smooth working surfice. This application has completely stopped any back ups from occuring from the time of installation, back in 2/2020 to this date.

I am requesting a reconsideration of the fail notice provided by the LDS Building Official as a consideration that the trenchless technology used to rehabilitate this pipe has vastly improved and upgraded the perfromance of the originally installed cast iron pipe installation with out the need for demolition of inside slab and excavation of the front yard, sidewalk and street, which all together, are considerably more expensive approaches for the replacement of the pipe

Please return the completed form and any supporting documentation to the address or email below. A $216.32 fee is required at the time of submittal. This total fee includes a base fee of $208.00 plus a 4% technology surcharge. The application will not be further processed until this fee has been collected.

Chairman, Fairfax County Board of Building Code Appeals
12055 Government Center Parkway, Suite 334
Fairfax, VA 22035-5504
Attention: Secretary to the Board
buildingofficial@fairfaxcounty.gov

RESOLUTION

WHEREAS, the Fairfax County Board of Building Code Appeals (the Board) is duly appointed to resolve disputes arising out of enforcement of the Virginia Residential Code/2015 Edition;

and

WHEREAS, an appeal has been timely filed and brought to the attention of the Board; and
WHEREAS, a hearing has been duly held to consider the aforementioned appeal; and
WHEREAS, the Board has fully deliberated this matter; now, therefore, be it

RESOLVED, that the matter of

Appeal No. 201014.0AP
In RE: Fairfax County, VA Department of Code Compliance (DCC) **v.** Ricky Salina, CEO Freedom Plumbers Corporation

The appeal is approved (3-2 with one abstention).

FURTHER, be it known that:

1. This decision is solely for this case and its surrounding circumstances; and
2. This decision does not serve as a precedent for any future cases or situations, regardless of how similar they may appear

Date: December 9, 2020 **Signature:** _____
Chairman, Board of Building Code Appeals

Note: Upon receipt of this resolution, any person who was a party to the appeal may appeal to the State Building Code Technical Review Board within twenty-one (21) days of receipt of this resolution. Application forms are available from the Virginia Department of Housing and Community Development, 600 East Main Street, Suite 300, Richmond, VA 23219 or by calling 804.371.7150.

I Brian Foley hereby certify that this is
SUPERVISOR OF CUSTODIAN
a true copy of a Fairfax County Department of Land Development
Services record of which Carla Guerra-Moore is the
CUSTODIAN
custodian and that Carla Guerra-Moore reports to me.
CUSTODIAN

Brian Foley
SUPERVISOR OF CUSTODIAN

I Carla Guerra-Moore hereby certify that this is
CUSTODIAN
a true copy of a Fairfax County Department of Land Development
Services record of which I am a custodian

Carla Guerra-Moore
CUSTODIAN

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
State Building Codes Office and Office of the State Technical Review Board
Main Street Centre, 600 E. Main Street, Suite 300, Richmond, Virginia 23219
Tel: (804) 371-7150, Fax: (804) 371-7092, Email: sbco@dhcd.virginia.gov

APPLICATION FOR ADMINISTRATATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

X Uniform Statewide Building Code
- X Virginia Construction Code
- ☐ Virginia Existing Building Code
- ☐ Virginia Maintenance Code

☐ Statewide Fire Prevention Code

☐ Industrialized Building Safety Regulations

☐ Amusement Device Regulations

RECEIVED
JAN 4 2021
OFFICE OF THE REVIEW BOARD

Appealing Party Information (name, address, telephone number and email address):
Brian Foley, Building Official
12055 Government Center Parkway, Fairfax, Virginia 22035
703-324-1942
brian.foley@fairfaxcounty.gov

Opposing Party Information (name, address, telephone number and email address of all other parties):
Richard Salinas, Freedom Plumbers Corporation
7631 Coppermine Drive, Manassas, Virginia 20109
703-895-4109
ricky@freedomplumbers.com

Additional Information (to be submitted with this application)
- X Copy of enforcement decision being appealed
- X Copy of the decision of local government appeals board (if applicable)
- X Statement of specific relief sought

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of December, 2020 a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

Note: This application must be received by the Office of the State Technical Review Board within five (5) working days of the date on the above certificate of service for that date to be considered as the filing date of the appeal. If not received within five (5) working days, the date this application is actually received by the Office of the Review Board will be considered to be the filing date.

Signature of Applicant: Brian J. Foley

Name of Applicant: Brian Foley
(please print or type)

County of Fairfax, Virginia

MEMORANDUM

DATE: December 30, 2020

TO: Chairman and Members
State Building Code Technical Review Board

FROM: Brian Foley
Building Official
Land Development Services

James Canter
Inspections Branch Chief
Land Development Services

Richard Grace
Code Specialist III
Land Development Services

SUBJECT: Appeal Hearing

REFERENCE: Fairfax County Board of Building Code Appeals Resolution
December 9, 2020, Appeal No. 201014.0AP
Richard Salinas, Freedom Plumbers Corporation vs Fairfax County
6231 Nelway Drive

CODE: 2015 Virginia Residential Code

Purpose

The Fairfax County Building Official and his representatives respectfully ask the State Building Code Technical Review Board (SBCTRB) to uphold his decision regarding the October 9, 2020 code modification approval conditions regarding the relining of an existing building sewer by overturning the December 9, 2020 resolution by the Fairfax County Board of Building Code Appeals (LBBCA).

Background Information

The 2021 International Residential Code and the 2021 International Plumbing Code provide requirements for cured-in-place-pipe (CIPP) lateral lining inversion method systems. Fairfax County has been issuing code modification approvals for these installations to many contractors since 2018 based on these requirements.

The following is a chronological sequence of events that document Mr. Salinas' actions related to the installation of CIPP at Nelway Drive.

12/06/2019 Mr. Salinas received two code modification approval letters for CIPP at two locations in Fairfax County, Wainwright Drive and Griffith Road. Mr. Salinas was issued permits for these projects through the automated online permitting process. Mr. Salinas submitted pre-installation videos for review per the approval letters. The former passed the review process, the latter failed. Both permits were abandoned. This information is provided to show a pattern of non-compliance to USBC requirements.

01/08/20 Mr. Salinas was issued a permit through the automated online permitting process for Nelway Drive.
01/09/20 Mr. Salinas requested a code modification to install CIPP at Nelway Drive.
01/14/20 Mr. Salinas was sent a confirmation of receipt of his code modification request, along with a Fee Transmittal Form and payment instructions (standard SOP).

There were no further communications from Mr. Salinas regarding Nelway Drive. On August 6, 2020, Mr. Salinas attempted to submit another code modification request for CIPP at Maple Avenue West to the Permit Application Center rather than the department he used for Wainwright, Griffith and Nelway. That request was forwarded to the appropriate department. It was at this point the Department of Code Compliance was called to investigate what happened to the abandoned Nelway Drive permit. Information gathered from that investigation revealed that Mr. Salinas had installed the CIPP at Nelway Drive on February 3, 2020. This investigation prompted Mr. Salinas, on September 23, 2020, to address the abandoned permit for Nelway Drive, along with several other addresses.

09/29/20 Mr. Salinas requested a code modification to install CIPP at Nelway Drive.
10/09/20 Mr. Salinas received a code modification approval letter for this installation based on language contained in the 2021 International Residential Code (IRC). The approval contained 11 bulleted conditions that followed the language contained in the 2021 IRC, identical to the letters he received on December 6, 2019 for Wainwright and Griffith.
10/12/20 Mr. Salinas uploaded the pre-installation video camera survey to the Building Division for review (bullet four from the code modification approval).
10/13/20 Mr. Salinas received a Building Division failed review response which stated, "It appears this pipe is holding water." Mr. Salinas acknowledged receipt of this failed review response through email reply.
10/14/20 Mr. Salinas filed for an appeal to that failed review response.

Position Statement

The LBBCA's decision to uphold the appeal resulted from sympathy for the homeowner having to endure a costly repair of their sewer pipe through conventional means rather than a correction to a sewer pipe backgrade and appropriate enforcement of the USBC. The following

is language contained in the 2021 IRC (paraphrased in bullet five of the code modification approval letter):

R3011.5 Prohibited applications. Where the preinstallation recorded video camera survey reveals that piping systems are not installed correctly, or defects exist, relining shall not be permitted. The defective portions of piping shall be exposed and repaired with pipe and fittings in accordance with this code. Defects shall include, but are not limited to, backslope or insufficient slope, complete pipe wall deterioration or complete separations such as from tree root invasion or improper support.

Statements made by the LBBCA during their deliberation include:

a. "to rectify this now is just a substantial expense to this homeowner being that they gotta dig up their yard … that's a big deal"
b. "if the only solution in denying this appeal is that this homeowner has to dig up their sewer, I think that's unfair to the homeowner"
c. "it seems to me to be (unintelligible) burden to put on a client to make them dig up a pipe that is 12' deep"
d. "I'd hate to see everybody's front yard dug up over this"
e. "the whole lining process is for the most part to extend the life of really old pipes, whether they have roots growing through them or whether they have a bad slope"
f. "if the relining didn't really fix the problem, that's between the plumber and the homeowner"

Conclusion

Mr. Salinas was aware of the conditions outlined in his code modification approvals, including the prohibited applications noted in bullet five, prior to his installation of CIPP at Nelway Drive. Mr. Salinas acknowledged that the sewer pipe at Nelway Drive did not qualify as a candidate for CIPP in his October 13, 2020 email (attached). We ask the SBCTRB to overturn the LBBCA's decision which was based on personal bias rather than appropriate enforcement of the USBC.

Attachments referenced by this document:

1- Code Modification Request
2- Code Modification Approval
3- Uploaded Pre-installation Video link
4- Video Review Decision
5- Acknowledged Receipt Email
6- LBBCA Appeal Application_Salinas
7- December 9, 2020 BBCA Resolution

Documents Submitted by Freedom Plumbers Corporation

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Freedom Plumbers Corporation
DBA. Freedom Plumbers and Pumpers, Septic & Drain
7631 Coppermine Drive
Manassas, VA 20109
(703) 895-4109

DATE: January 19th, 2021

TO: Chairman and Members, State Building Code Technical Review Board

FROM: Ricky Salinas, CEO, Freedom Plumbers Corp. DBA: Freedom Plumbers and Pumpers, Septic & Drain

SUBJECT: Appeal Hearing

REFERENCE: Fairfax County Board of Building Code Appeals Resolution, December 9, 2020, Appeal No. 201014.0AP Richard Salinas, Freedom Plumbers Corp Vs. Fairfax County. 6231 Nelway Dr.

CODE: 2015 Virginia Residential Code & 2021 Virginia Residential Code based, Fairfax County Code Modification Request for Lateral Lining protocols and procedures for Residential, Small Pipe Diameter, Lateral Lining.

Purpose

Mr. Salinas and his client, Mr. Leo Leonard, owner of 6231 Nelway Dr, respectfully ask the State Building Code Technical Review Board (SBCTRB) to uphold the decision regarding the December 9, 2020 resolution by the Fairfax County Board of Building Code Appeals (LBBCA) regarding the relining of an existing building sewer and reject Fairfax County's Land Development Services request to overturn the LBBCA's December 9, 2020 resolution.

Background Information

The 2021 International Residential Code (IRC) and 2021 International Plumbing Code (IPC) provide requirements for cured-in-place-pipe (CIPP) lateral lining inversion method systems. Fairfax County has been issuing code modification requests (CMR) and approvals for these installations to contractors since 2018 based on these requirements, however, it appears that Fairfax County and its Inspections staff understanding of CIPP, its design and applicable application is limited which is creating all sorts of issues with the inspections process for CIPP lateral lining and the Inspection approval process of the same.

The following is a chronological sequence of events that document LDS Staff, Mr. Grace, Code Specialist & Mr. Canter, Inspection Branch Chief, actions related to the complicated CMR process and CIPP Inspections process for Nelway Dr. and other properties.

9/21/2020: Mr. Felipe of LDS Staff is notified that I (Richard Salinas) am aware of paperwork sent to my client, Mr. Leonard in reference to permitting issues with 6231 Nelway Dr and that I have not received his instructions.

9/22/2020: Mr. Felipe forwards me his order to rectify the permit for 6231 Nelway Dr and connects me, for the first time, with Mr. Canter.
9/22/2020: I introduce myself for the first time to Mr. Canter and request his guidance as to how to proceed with the correction of the permit for 6231 Nelway Dr.

9/24/2020: Mr. Grace replies to my introduction and informs me of issues with not just one, but 4 additional permits that need to be rectified.
9/24/2020: I acknowledge Mr. Grace's email, inform him that I was not aware of these issues and advised him that I have full intentions to fix these issues. I request his continued guidance on how to proceed from here.

9/25/2020: Mr. Grace is informed that a new plumbing permit for 6231 Nelway Dr has been applied for and paid for and that I am ready to start the Code Modification Request (CMR) process.
9/25/2020: I started the CMR process by filling out the application form and sent it to Mr. Grace for review.

9/28/2020: Mr. Grace advises me that he will facilitate the CMR
9/28/2020: Mr. Grace advises me that I filled out the wrong form, sends me the correct link to the correct form and requests I re-submit for review.

9/29/2020: I send the correct CMR form to Mr. Grace for review.

9/30/2020: Mr. Grace acknowledges the receipt of the CMR form and facilitates a link for payment of the CMR.
9/30/2020: Mr. Grace is informed that payment for the CMR has been submitted. I will await further instructions.

10/6/2020: Mr. Grace informs me that he has not received confirmation of the payment processed on 9/30/2020.

10/7/2020: I email the payment confirmation to prove that payment has been made on the dates suggested.
10/7/2020: Mr. Grace advises that now my CMR is up for review with the Code Advisory Committee.

10/9/2020: Mr. Grace advises that the CMR and to proceed as requested.

10/12/2020: The first of many videos are submitted to the Video Reviewer Platform.

10/13/2020: Video Reviewer Fails the video.
10/13/2020: I contact Mr. Grace to advise him of Video Reviewers decision.
10/13/2020: Mr. Grace replies to my request for further review.
10/13/2020: Mr. Grace is informed that the liner is already installed.

No further communications in reference to the CMR. The CMR required many steps and took nearly a month to get approved and up to the point of Video Review which it failed. The rest was handled at the appeal.

The following emails are organized in a chronological and depict the tedious back and forth process with Mr. Grace and Mr. Canter's video reviewer department after the video reviewer made a demand to rectify a "defect" noted on the video. And to submit the video once the "defect" is addressed.

11/23/2020: Mr. Grace is informed that the "defect" noted by the video reviewer department will be addressed and the new video showing all matters of concern have been addressed and will be resubmitted for review.
11/23/2020: Mr. Grace advises that Video Reviewer must approve the video
11/23/2020: Mr. Grace is informed of a Video Reviewers decision and now a whole new list of items that were not mentioned before are now placed as a demand for addressing. Such issues were not an issue before and now they are.
11/23/2020: Mr. Grace introduces me to Mr. Canter for the first time.

11/25/2020: Mr. Canter sides with his Video Reviewer and requests the items get addressed.

11/30/2020: Mr. Canter is advised that video reviewer failed the inspection again after the defects were address.

12/11/2020: Mr. Canter advises that he sides with his video reviewer and to address the concerns.
12/11/2020: I advise Mr. Canter that I will address the video reviewers continued concerns, but that I would take a different approach so to not damage the liner.
12/11/2020: Mr. Canter questions my liner integrity in response to my last email then tries to share his understanding of resin and lining based on his experience with boating. His understanding is incorrect and quite telling of his own lack of understanding of the inversion system for CIPP.
12/11/2020: I share with Mr. Canter how the inversion system for CIPP actually works and why the continued demands by the video reviewer are placing the liner at risk for failure.

12/14/2020: Mr. Canter is advised that after further service of the liner in question, video reviewer has failed the liner again.

End of communications with Mr. Grace and Mr. Canter in regards to this liner. An Appeal with with LBBCA was made.

Please see attachment titled “Exhibit C. Failed Video Reviewer Inspection Dispute”. This attachment further elaborated on my claim that the Video Reviewer Department is not adequately trained to assume the huge responsibility that has been bestowed upon them in reference to trenchless technologies and CIPP lateral liner video Reviews. The video reviewer failed this review request due to, in their words, a “collapse” in the pipe and made a demand to fix the problem. The “collapse” was a tree leaf that fell into the pipe from the open clean out which we were doing the sewer video inspection from. The inspection was done in the fall.

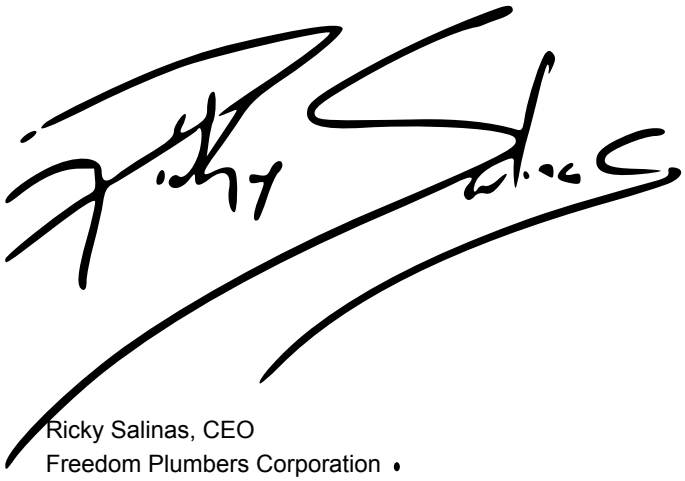
Position Statement

It is our position that the Cast Iron Sewer lateral for 6231 Nelway Dr, which was originally installed in 1963, was installed in such a way that passed inspection and satisfied the Fairfax County Code Enforcement Officer or Inspector at the time. When it comes to the host pipe in question, it is a Cast Iron Pipe. Cast Iron pipe does not Belly or bow in time, like improperly supported plastic pipe does. In many instances however, the pipes were installed flat or with less grade than the ideal, ⅛” per foot that is required per our current plumbing code for 4” sewer pipes. Furthermore, any issues, real or perceived, in reference to the grade of this sewer, as long as there is no backgrade or areas of permanent standing water, should be allowed to be grandfathered in and approved for a CIPP lateral lining. In light of that, we request that this board votes to uphold the decision of the LBBCA’s board of December 9th, 2020 and rejects Fairfax County request to overturn the same.

When it comes to Fairfax County’s CMR for Lateral Lining. My position is that it is confusing, riddled in extra steps and with too many hands in one pot. The process is expensive and lacks understandable standards which appear to shift freely and without any regard to the structural integrity of the specially engineered product installed & the performance of the same. Furthermore, any issues brought up by Fairfax County's Land Development Services in reference to my mishandling of the CMR for lateral lining was an honest mistake and by no means intentional. Once discovered, I have shown time and time again that I will follow any and all guidance that will assist me in following through the CMR process as designed. And as you can see, with all the email exchanges between me and LDS, the confusion with the process as designed, continued for quite some time. The CMR for the lateral lining process should be revisited and updated accordingly.

Attachments Referenced by this Document

Exhibit A: 6231 Nelway Dr Emails
Exhibit B: Grace, Canter, Salinas Emails
Exhibit C: Failed Video Reviewer Inspection Dispute



Ricky Salinas, CEO
Freedom Plumbers Corporation •
DBA: Freedom Plumbers & Pumpers. Septic & Drain
703-895-4109
ricky@freedomplumbers.com

Licensing:
Contractor B: 2705168358
Master Plumber: 2710070622
Master Septic Operator: 1942001547
Master Septic Installer: 1944002095
Sewage Handling Permit: SH-061-900

INITIAL CONTACT WITH FELIPE MANUEL

Ricky Salinas September 21, 2020 at 8:28 AM

6231 Nelway Drive - Corrective Order

To: Manuel Felipe

Siri found new contact info Ricky Salinas ricky@freedomplumbers.com add...

Good morning Inspector Felipe,

I received a phone call from the Leonards stating that you served them a Corrective Order that stated that their address has been locked for permits and work until the permit has been corrected. I have not received my order yet. Please advise if you plan on swinging by this office as you have for the home owner, or if you are sending the order. I tried starting a new permit in FIDO last week knowing that is the direction required to correct this issue, but I was unable to do so. I emailed you about that and have not heard back from you.

I want this matter resolved immediately. As you saw, I pulled a permit for this type of work. Why it did not make it through the next level of the permit procedure, I am not sure. But I want it to follow the proper charnel to satisfy Fairfax County's requirements. We have never broken a rule in Fairfax in the past 13 years of delivering service. Not one. This issue was a mistake which I intend to fix immediately. Please give me your guidance for next steps.

Best Regards,

Ricky Salinas, CEO
Freedom Plumbers Corporation
DBA: Freedom Plumbers & Pumpers. Septic & Drain
703-895-4109
ricky@freedomplumbers.com

Felipe, Manuel September 22, 2020 at 6:10 AM

RE: 6231 Nelway Drive - Corrective Order

To: Ricky Salinas

Mr. Salinas,

You should have received your Corrective Work Order (CWO) as well.
You will find the attached CWO in this email. You will also need to contact Mr. Richard Grace. You are required to copy me on all e-mail transaction between you and the application process and Mr. Grace.
Thank you
Respectfully,

Investigator, Manuel Felipe
Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, VA 22035-5500
Main 703-324-1300
Direct 703-324-1190
Fax 703-653-9459
Manuel.Felipe@fairfaxcounty.gov
www.fairfaxcounty.gov/code

DCC Mission - To promote, protect and maintain a healthy and desirable living environment in Fairfax County.

See More from Ricky Salinas

From: Ricky Salina <ricky@freedomplumbers.com>
Sent: Tuesday, September 22, 2020 4:39 PM
To: Felipe, Manuel <Manuel.Felipe@fairfaxcounty.gov>
Subject: Re: 6231 Nelway Drive - Corrective Order

Good afternoon Mr. Felipe, I hope this email finds you well.

I have received your email today, Tuesday, 9/22/2020. Also, as of today, I have also received your certified mail. I have read through the requirements that are described in said document and called you as per the requirements of your document. Unfortunately, I was not able to reach you. I left a voicemail at 4:26pm. I hope you receive it.

I have a couple questions pertaining to your CO:

1. Your document requires me to apply for and obtain a permit for the work described, yet the address for the permit has a STOP-HOLD which prevents any permits to be requested. Please advise how do I navigate around that matter?
2. Your document states that a Floor Plan identifying the cited violations is required. Does that mean you want me to draw a Floor Plan of the house and the sewer we worked on? If so, I will get that done immediately. If I mis understood that, I ask for your guidance on the matter.
3. In your last email you mention that I have to reach out to a Mr. Richard Grace yet I do not see any contact information for a Mr. Grace. Also, should I contact him immediately or once I have been issued the required permit? Your guidance on the matter is very much appreciated.

I look forward to hearing back from you soon. Please feel free to call me back to my cell phone to 703-789-2899. I have it in my calendar to also call you at 9am on Wednesday, 9/23/2020 if I dont hear back from you.

Thank you for your time, attention and for your help on this matter.

Best Regards,

Ricky Salinas, CEO
Freedom Plumbers Corporation
DBA: Freedom Plumbers & Pumpers. Septic & Drain
703-895-4109
ricky@freedomplumbers.com

Felipe, Manuel
RE: 6231 Nelway Drive – Corrective Order
To: Ricky Salinas, Cc: Grace, Richard, Kim Billingsley

September 23, 2020 at 8:13 AM
Details
MF

Mr. Salinas,

Please contact Mr. Richard Grace for further information on the process of obtaining the required permits and inspections, and the code modification. His contact information e-mail is listed below, and he is also copied on this email.
Code Specialist III, Mr. Richard Grace
Direct phone 703-324-1687
e-mail Richard.Grace@fairfaxcounty.gov

Also please copy me on all transactions between you and Fairfax county website and anyone associated in the process for obtaining the required permits and inspections per this case # 202005008.
When filling out the application for the plumbing permit please make sure to include these words in the field description of work to be done (per case # 202005008 a liner was installed within an existing sewer pipe approximately ninety-five feet (95'), which included the installation of a new clean-out, inside the lower level of the middle of a finished room in the basement). Failure to have this description on the permit will also prolong the process.

Thank you.

Respectfully,

Investigator, Manuel Felipe
Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, VA 22035-5500
Main 703-324-1300
Direct 703-324-1190
Fax 703-653-9459
Manuel.Felipe@fairfaxcounty.gov
www.fairfaxcounty.gov/code

DCC Mission - To promote, protect and maintain a healthy and desirable living environment in Fairfax County.

FIRST CONTACT WITH MR. RICHARD GRACE

Ricky Salinas
6231 Nelway Drive - Corrective Order Case # 202005008
To: Grace, Richard, Cc: Manuel.Felipe@fairfaxcounty.gov

September 23, 2020 at 6:07 PM
Details

RS

Siri found new contact info Ricky Salinas ricky@freedomplumbers.com
add...

Good evening Mr. Grace,

My name is Ricky Salinas and I am with Freedom Plumbers Corp. I am following instructions as per Mr. Manuel Felipe to reach out to you and get your guidance on what procedures do I have to follow to correct a permit I requested in January that did not get inspected and now needs to be corrected. My case number is 202005008

I attempted to get a permit via FIDOm but the address is on hold for further permits due to this case. That said, I welcome your guidance on what my next steps are from here.

Thank you in advance for any and all your help. I will follow your instructions to the T in an effective and efficient manner. I look forward to hearing back from you.

Best Regards,

Ricky Salinas, CEO
Freedom Plumbers Corporation
DBA: Freedom Plumbers & Pumpers. Septic & Drain
703-895-4109
ricky@freedomplumbers.com

Grace, Richard
RE: 6231 Nelway Drive - Corrective Order Case # 202005008
To: Ricky Salinas, Cc: Felipe, Manuel, Canter, James

September 24, 2020 at 8:57 AM
Details

RG

Mr. Salinas,

It appears that you have started this process several times now, but did not complete your obligations for any of the permits that I have in my records.

1. 2001 Griffith Road - permit 193120236, issued 11/08/2019, NO FINAL INSPECTION
    a. Code modification approval 12/06/2019, sent via email
2. 1757 Wainwright Drive – permit 193310005, issued 11/27/2019, NO FINAL INSPECTION
    a. Code modification approval 12/06/2019, sent via email
3. 6231 Nelway Drive – permit 200080114, issued 01/08/2020
    a. Code modification request received 01/09/2020
    b. Email sent to Mr. Salinas 01/14/2020 with instruction
    c. No further contact from Mr. Salinas
    d. Permit voided on 7/27/20, no activity, permit expired
4. 203 Maple Avenue West – permit 202190136, applied for 08/06/2020, not issued
    a. Code modification request received 08/07/2020, delayed because it was sent to a location not listed on the form
    b. Email sent to Mr. Salinas 08/10/2020 with instruction
    c. No further contact from Mr. Salinas

While I was looking at these records, I located another that was never completed.

1325 Oberon Way – permit 183480017, applied for 12/14/2018, not issued
- Code modification approval 12/21/2018, sent via email
- No apparent follow up. Possible completion of work without a permit.

Mr. Salinas, in the event that you have misplaced all of our past email correspondences, you must apply for a code modification for the installation of cured in place piping systems (CIPP) before a permit can be issued. CIPP is not recognized as a piping system in the 2015 Virginia Residential Code or the 2015 Virginia Plumbing Code, thus the requirement for a code modification. Should any further permits be issued through the internet without an approved code modification, that permit will be revoked. Information about the code modification process, including the request form, can be found here.

Please let me know if you need further clarification.

Richard Grace, MCP
Code Specialist III

Ricky Salinas
Re: 6231 Nelway Drive - Corrective Order Case # 202005008
To: Grace, Richard, Cc: Felipe, Manuel, Canter, James

September 24, 2020 at 6:11 PM
Details

RS

Siri found new contact info Ricky Salinas ricky@freedomplumbers.com
add...

Good afternoon Mr. Grace,

Thank you for getting back to me and please forgive my delayed response. I am in the field working every day from dusk till dawn and check my emails when I get back home.

I am surprised about these findings. I was absolutely sure I followed protocol when applying for my permits and code modifications so that my liners never get kick back. I always had full intentions of working by the letter of your jurisdictions requirements. If I didn't, I would have never asked for a code modification. That would be dishonest and I would never do that. I mention that not to say anything about my integrity, but clearly, your findings put my integrity at question. I am very sorry for this situation and have every intention to make all of these permits right. I mis understood the protocol and now I intend to fix it.

I wish to tackle 6231 Nelway Dr as first order of business and move to each and every one of the rest of the permits one by one so I make sure every permit gets 100% attention untill completion and final. As mentioned before, I applied for a plumbing permit on the FIDO system so that I could start the process of rectifying this issue, but the address 6231 Nelway Dr is on Hold or Lock for further permits. How do I go about starting a permit under these circumstances? Your guidance or that of anybody you can guide me to is very much appreciated. Once again Mr. Grace, I thank you for your continued help on this matter and I look forward to hearing back from you.

Best Regards,

Ricky Salinas, CEO
Freedom Plumbers Corporation
DBA: Freedom Plumbers & Pumpers. Septic & Drain
703-895-4109
ricky@freedomplumbers.com

Grace, Richard
RE: 6231 Nelway Drive - Corrective Order Case # 202005008
To: Ricky Salinas, Cc: Felipe, Manuel, Canter, James

September 25, 2020 at 7:59 AM
Details

RG

Mr. Salinas,

I have removed the hold on 6231 Nelway Drive. You may proceed with your permit application and code modification request submittal.

Richard Grace

Ricky Salinas
Re: 6231 Nelway Drive - Corrective Order Case # 202005008
To: Grace, Richard, Cc: Felipe, Manuel, Canter, James

September 25, 2020 at 8:20 PM
Details

RS

Siri found new contact info Ricky Salinas ricky@freedomplumbers.com add...

Good evening Mr. Grace,

Thank you for your help. I have applied for a new permit, paid the fee, filled out the Code Mod Request Form and emailed it to:

buildingofficial@fairfaxcounty.gov

I believe that my next step in the process is to wait for a payment request? I see that a payment is due to process the Code Mod Form, but I do not see a link to make a payment. I look forward to hearing back from Building Officials.

My next question to you is, do I include you as well with all my email interactions with Fairfax as I navigate the Code Mod process? Mr. Felipe has been with me the entire process. Do I do the same for you too? I apologies if I seem a little confused here. I just dont want to mis a step.

Thank you once again for your help. I look forward to hearing back from you.

I wish you and yours a happy weekend.

Best Regards,

Ricky Salinas, CEO
Freedom Plumbers Corporation
DBA: Freedom Plumbers & Pumpers. Septic & Drain
703-895-4109
ricky@freedomplumbers.com

Ricky Salinas
Code Mod Request Case# 202005008
To: buildingofficial@fairfaxcounty.gov, Felipe, Manuel

September 25, 2020 at 8:13 PM

RS

Good evening,

I am submitting a request for the following:

PER CASE # 202005008 A LINER WAS INSTALLED WITHIN AN EXISTING SEWER PIPE APPROXIMATELY NINETY-FIVE FEET (95'), WHICH INCLUDED THE INSTALLATION OF A NEW CLEAN-OUT, INSIDE THE LOWER LEVEL OF THE MIDDLE OF A FINISHED ROOM IN THE BASEMENT

See attached for Application:

Building Code Appeal Request

PROJECT INFORMATION

Project Name: case # 202005008: 95' Sewer Lateral Rehabilitation via Lateral Lining CIPP
Project Address: 6231 Nelway Dr, McLean, VA 22101
Permit or case number: 202690368 Tax map number:

APPLICANT INFORMATION

Applicant Name: Freedom Plumbers Corp ☐ Owner ■ Owner's agent
Address: 7631 Coppermine Dr
City: Manassas State: va ZIP: 20109
Phone: 703-895-4109 Email: ricky@freedomplumbers.com

OWNER INFORMATION

☐ See applicant information
Owner Name: Leo Leonard
Address: 6231 Nelway Dr
City: McLean State: VA ZIP: 22101
Phone: (703) 915-1965 Email: kbdirector89@gmail.com

APPEAL INFORMATION

Appealing decision made on the date of by ■ Building Official ☐ Fire Official ☐ Property Maintenance Official
rendered on the following date: 9/24/2020
Code(s) (IBC, IMC, IPMC, etc.) and year-edition: IPC 2018
Section(s): 3

REQUEST/SOLUTION

Describe the code or design deficiency and practical difficulty in complying with the code provision:

I Request for a modification of Virginia Residential Code Section P3002.1, Piping within buildings, P3002.2, Building sewer, and P3002.3, Fittings which require drain, waste, vent, and sewer pipe and fittings to comply with the materials and reference standards listed in Tables P3002.1(1), P3002.1(2), P3002.2 and P3002.3.

#

Grace, Richard
RE: 6231 Nelway Drive - Corrective Order Case # 202005008
To: Ricky Salinas, Cc: Felipe, Manuel, Canter, James

September 28, 2020 at 8:05 AM
Details

RG

Mr. Salinas,

I will facilitate your code modification request through the buildingofficial@fairfaxcounty.gov email. It is not necessary for you to communicate through both emails, only the building official email.

Richard Grace

LDS Building Official
RE: Code Mod Request Case# 202005008
To: Ricky Salinas, Cc: LDS Building Official, Felipe, Manuel

September 28, 2020 at 7:56 AM
Details

LO

Mr. Salinas,

The form you filled out is for a Code Appeal not a Code Modification. Please fill out the correct form and resubmit.

Richard Grace

Ricky Salinas
Re: Code Mod Request Case# 202005008
To: buildingofficial@fairfaxcounty.gov, Felipe, Manuel

September 29, 2020 at 5:25 PM

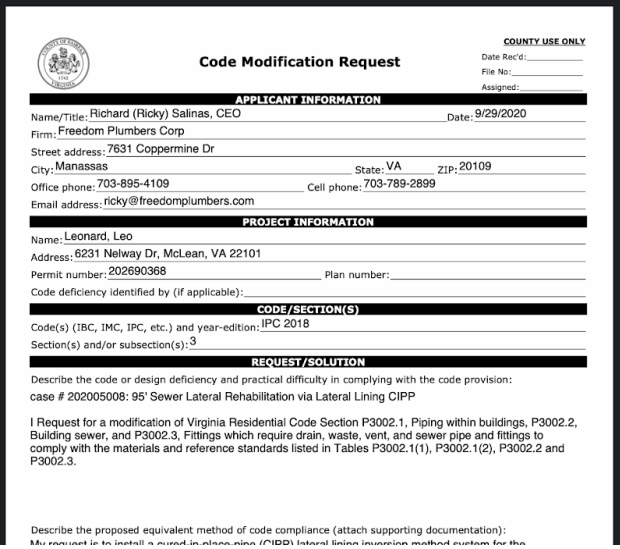
RS

Siri found new contact info Ricky Salinas ricky@freedomplumbers.com add...

Good afternoon Mr. Grace,

Thank you for your help with the correct form. I have filled it out and attached it to this email. I look forward to hearing back from you at your convenience.

Once again, thank you for all your help.



Code Modification Request

COUNTY USE ONLY
Date Rec'd:
File No:
Assigned:

APPLICANT INFORMATION

Name/Title: Richard (Ricky) Salinas, CEO Date: 9/29/2020
Firm: Freedom Plumbers Corp
Street address: 7631 Coppermine Dr
City: Manassas State: VA ZIP: 20109
Office phone: 703-895-4109 Cell phone: 703-789-2899
Email address: ricky@freedomplumbers.com

PROJECT INFORMATION

Name: Leonard, Leo
Address: 6231 Nelway Dr, McLean, VA 22101
Permit number: 202690368 Plan number:
Code deficiency identified by (if applicable):

CODE/SECTION(S)

Code(s) (IBC, IMC, IPC, etc.) and year-edition: IPC 2018
Section(s) and/or subsection(s): 3

REQUEST/SOLUTION

Describe the code or design deficiency and practical difficulty in complying with the code provision:
case # 202005008: 95' Sewer Lateral Rehabilitation via Lateral Lining CIPP

I Request for a modification of Virginia Residential Code Section P3002.1, Piping within buildings, P3002.2, Building sewer, and P3002.3, Fittings which require drain, waste, vent, and sewer pipe and fittings to comply with the materials and reference standards listed in Tables P3002.1(1), P3002.1(2), P3002.2 and P3002.3.

Describe the proposed equivalent method of code compliance (attach supporting documentation):
My request is to install a cured-in-place-pipe (CIPP) lateral lining inversion method system for the

LDS Building Official

September 30, 2020 at 8:04 AM
Details

LO

RE: Code Mod Request Case# 202005008

To: Ricky Salinas, Cc: LDS Building Official, Felipe, Manuel

Greetings,

I have received your code modification request. I have attached a fee transmittal form that needs to be presented when making payment for this request. You can pay the fee three different ways:

- by using the link (this link does not accept credit card payments, only electronic check, additionally, you must enter the "**modification ID#"** provided on the fee transmittal form in the field for "**Plan or Reference number"**, or the processing of your payment may be delayed)
  https://ffxpayments.virginiainteractive.org/Payments/LDS-Fees
- by mailing your check to:

  Cashiers Office
  12055 Government Center Parkway, Suite 236
  Fairfax, Virginia 22035
- by using our 24-hour secure drop box for customers located to the right of the main entrance of the Herrity Building.

Once I have received confirmation of payment from our cashier's office I will forward this request on to the code advisory committee for review and recommendation to the building official. Please let me know if you have any questions.

Thank you,

Richard Grace, MCP
Code Specialist III

Ricky Salinas

September 30, 2020 at 9:48 AM
Details

RS

Re: Code Mod Request Case# 202005008

To: LDS Building Official, Cc: Felipe, Manuel

Siri found new contact info Ricky Salinas ricky@freedomplumbers.com add...

Good morning Mr. Grace,

Thank you for the Fee Transmittal Form. A payment in the form of an electronic check has been submitted.

I will wait to hear from you for the next step. Thank you for your help.

Best Regards,

Ricky Salinas, CEO
Freedom Plumbers Corporation
DBA: Freedom Plumbers & Pumpers. Septic & Drain
703-895-4109
ricky@freedomplumbers.com

LDS Building Official

October 6, 2020 at 11:51 AM
Details

LO

RE: Code Mod Request Case# 202005008

To: Ricky Salinas, LDS Building Official, Cc: Felipe, Manuel

Mr. Salinas,

I haven't received confirmation from the cashier's office for payment on this code modification request. Was it paid? Do you have a receipt?

Thanks,

Richard

Ricky Salinas

October 7, 2020 at 12:46 PM
Details

RS

Re: Code Mod Request Case# 202005008

To: LDS Building Official, Cc: Felipe, Manuel

Siri found new contact info Ricky Salinas ricky@freedomplumbers.com add...

Good afternoon Mr. Grace,

Please see the attached receipt showing the payment on 9/30/2020

Payment Fee
Transm...jQ.pdf

I hope this receipt is to your satisfaction. Thank you for your help.

Best Regards,

Ricky Salinas, CEO
Freedom Plumbers Corporation

LDS Building Official
RE: Code Mod Request Case# 202005008
To: Ricky Salinas, LDS Building Official, Cc: Felipe, Manuel

October 7, 2020 at 1:41 PM
Details

LO

Thank you Mr. Salinas. I will forward your request on to the code advisory committee for review and recommendation.

Richard

LDS Building Official
6231 Nelway Drive, Permit 202690368
To: Ricky Salinas, Cc: Felipe, Manuel, LDS Building Official, Canter, James, Willham, Dan

October 9, 2020 at 8:08 AM
Details

LO

Siri found new contact info Building Official Lds ldsbuildingofficial@fairfaxcounty.gov add...

Mr. Salinas,

Attached is the results from your code modification request for the subject address. Please let me know if you have any questions.

Richard Grace, MCP
Code Specialist III

VIDEO REVIEWER DECISION ISSUES (ALL DOWNHILL FROM HERE)

Email received 10/12/2020

noreply@workflownotification.com
Thank you for your Sewer Video Submission
To: Ricky Salinas

Inbox - rick...mplumbers.com 9:15 AM

N

Thank you for submitting your sewer video form.

Ricky Salinas
Re: 6231 Nelway Drive, Permit 202690368
To: LDS Building Official, Cc: Felipe, Manuel, Canter, James, Willham, Dan

October 12, 2020 at 9:18 AM
Details

RS

Mr. Grace, good morning and happy monday,

Thank you for the signed approval letter. I read the letter and followed the instructions. The YouTube video was submitted via a Video Submission Form. The instructions also advise me to send you the install specs as well as the SDS sheets for our liners. They are attached to this document. I hope they are to your satisfaction.

LMK Install Specs.pdf

SDS LMK Catalyst .pdf

SDS LMK Resin.pdf

The following confirmation email got to me for the video submission:

I will wait for further instruction. Thank you once again for all your help.

Best Regards,

Ricky Salinas, CEO
Freedom Plumbers Corporation

Email received 12/13/2020

noreply@workflownotification.com
Inbox - rick...mplumbers.com 7:17 AM

Sewer Video Submissions Failed

To: Ricky Salinas

It appears this pipe is holding water.

Job site address:
6231 Nelway Dr

Ricky Salinas
October 13, 2020 at 8:45 AM
Details

Re: 6231 Nelway Drive, Permit 202690368

To: LDS Building Official, Cc: Felipe, Manuel, Canter, James, Willham, Dan

Good morning Mr. Grace,

I received an email from a noreply@workflownotification.com stating that they see the pipe holding water. I wanted to reply to that with an explanation but the email address is pretty clear. Do not reply.

That said, how do I reply to that notification. The Leonards have a cast iron sewer that has been smoothed out after descale. The pipe is flat as a pan. Meaning minimal to no grade in some parts. This grade was done upon original install and its that way the entire length of the sewer until the tap. The pipe needed rehab or replacement due to repeat clogs in a highly corroded cast iron sewer. These clogs caused issues in a finished basement. The very same pipe sits under expensive flooring and a lot of landscaping which is why we opted for Lateral Lining.

Your guidance is very much appreciated.

Best Regards,

Ricky Salinas, CEO
Freedom Plumbers Corporation

LDS Building Official
October 13, 2020 at 12:05 PM
Details

RE: 6231 Nelway Drive, Permit 202690368

To: Ricky Salinas, Cc: Felipe, Manuel, Canter, James, Willham, Dan, Carlson, Norm, LDS Building Official

Mr. Salinas,

There were 11 bulleted conditions that must be met in order to comply with the code modification request approval. Bullet number 5 stated the following:

Should the review of the piping reveal incorrectly installed piping systems or defects, relining shall not be permitted. Defects include, but are not limited to, backgrade or insufficient slope, excessive pipe wall deterioration, separation caused by inadequate support, or openings in the piping system caused by tree root invasion or other intrusions.

It appears that the pre-installation video submitted in order to comply with bullet number three and four has revealed "incorrectly installed piping systems ... backgrade or insufficient slope" and is not a candidate for relining.

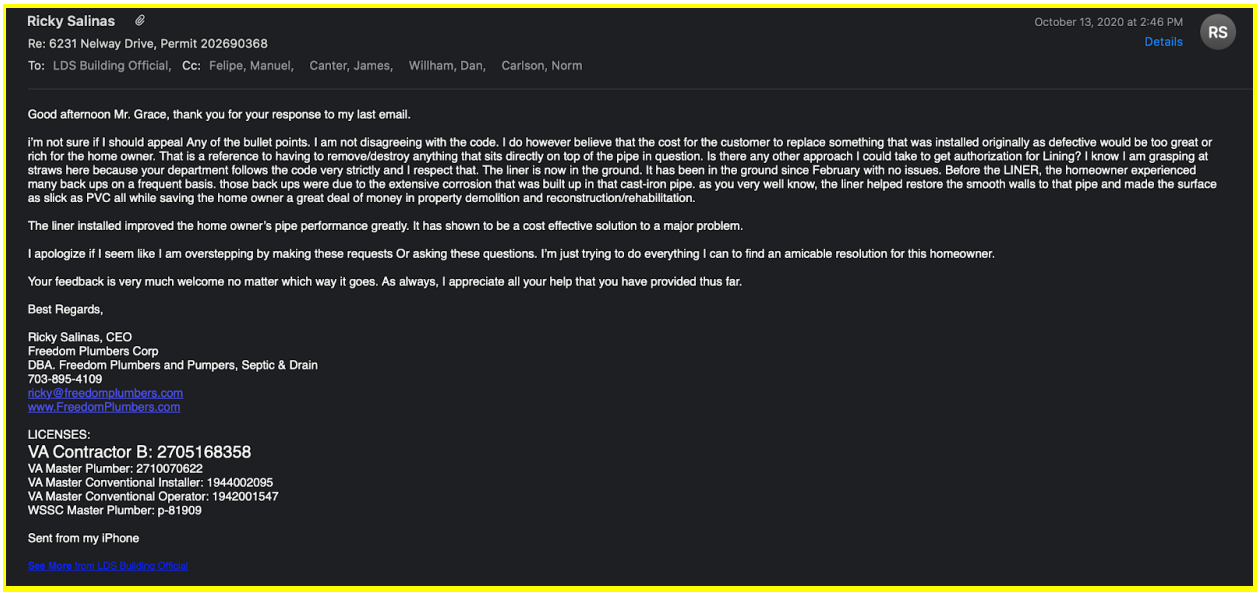
This must be corrected using methods prescribed in the 2015 Virginia Residential Code rather than a relining system.

As indicated in code modification approval letter:

You have the right to appeal this decision to the Board of Building Code Appeals within 30 days from the date you receive this letter. You may arrange an appeal or obtain information on the appeals process by visiting the county website at *www.fairfaxcounty.gov/landdevelopment/code-interpretations-modifications-and-appeals* or by contacting the secretary to the board, Carla Guerra-Moran, at 703-324-1780, TTY 711 or *carla.guerra-moran@fairfaxcounty.gov*.

Thank you,

Richard Grace, MCP
Code Specialist III
Local Board of Building and Fire Code Appeals Liaison
Building Code Research and Development
Land Development Services
Fairfax County, Virginia
703-324-1687



Ricky Salinas

October 13, 2020 at 2:46 PM

Details

RS

Re: 6231 Nelway Drive, Permit 202690368

To: LDS Building Official, Cc: Felipe, Manuel, Canter, James, Willham, Dan, Carlson, Norm

Good afternoon Mr. Grace, thank you for your response to my last email.

i'm not sure if I should appeal Any of the bullet points. I am not disagreeing with the code. I do however believe that the cost for the customer to replace something that was installed originally as defective would be too great or rich for the home owner. That is a reference to having to remove/destroy anything that sits directly on top of the pipe in question. Is there any other approach I could take to get authorization for Lining? I know I am grasping at straws here because your department follows the code very strictly and I respect that. The liner is now in the ground. It has been in the ground since February with no issues. Before the LINER, the homeowner experienced many back ups on a frequent basis. those back ups were due to the extensive corrosion that was built up in that cast-iron pipe. as you very well know, the liner helped restore the smooth walls to that pipe and made the surface as slick as PVC all while saving the home owner a great deal of money in property demolition and reconstruction/rehabilitation.

The liner installed improved the home owner's pipe performance greatly. It has shown to be a cost effective solution to a major problem.

I apologize if I seem like I am overstepping by making these requests Or asking these questions. I'm just trying to do everything I can to find an amicable resolution for this homeowner.

Your feedback is very much welcome no matter which way it goes. As always, I appreciate all your help that you have provided thus far.

Best Regards,

Ricky Salinas, CEO
Freedom Plumbers Corp
DBA. Freedom Plumbers and Pumpers, Septic & Drain
703-895-4109
ricky@freedomplumbers.com
www.FreedomPlumbers.com

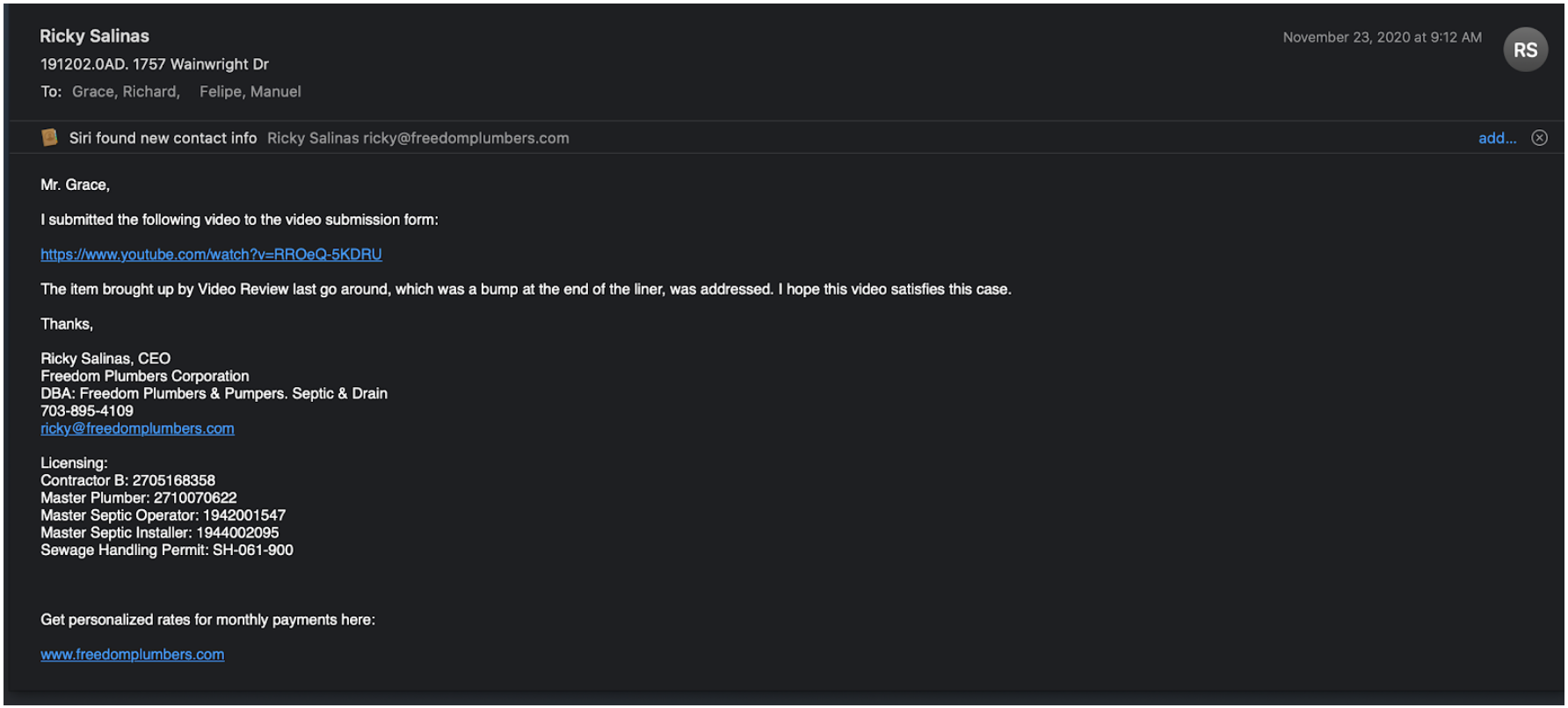
LICENSES:
VA Contractor B: 2705168358
VA Master Plumber: 2710070622
VA Master Conventional Installer: 1944002095
VA Master Conventional Operator: 1942001547
WSSC Master Plumber: p-81909

Sent from my iPhone

See More from LDS Building Official

NO OTHER EMAIL EXCHANGES WERE MADE FROM RICHARD GRACE. AN APPEAL TO THE LOCAL BOARD WAS MADE.

First Email advising Mr. Grace that the Video Reviewer concerns about a bump at the end of the liner were addressed successfully.



Ricky Salinas
191202.0AD. 1757 Wainwright Dr
To: Grace, Richard, Felipe, Manuel

November 23, 2020 at 9:12 AM

RS

Siri found new contact info Ricky Salinas ricky@freedomplumbers.com add...

Mr. Grace,

I submitted the following video to the video submission form:

https://www.youtube.com/watch?v=RROeQ-5KDRU

The item brought up by Video Review last go around, which was a bump at the end of the liner, was addressed. I hope this video satisfies this case.

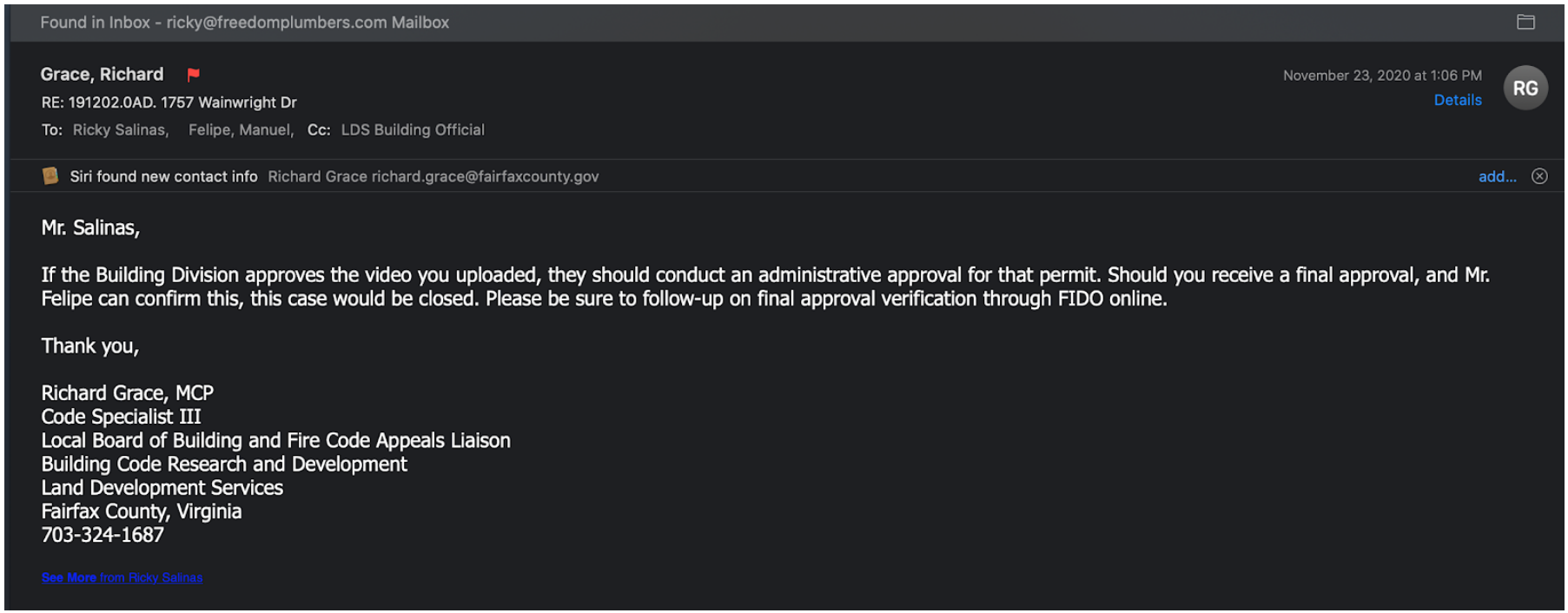
Thanks,

Ricky Salinas, CEO
Freedom Plumbers Corporation
DBA: Freedom Plumbers & Pumpers. Septic & Drain
703-895-4109
ricky@freedomplumbers.com

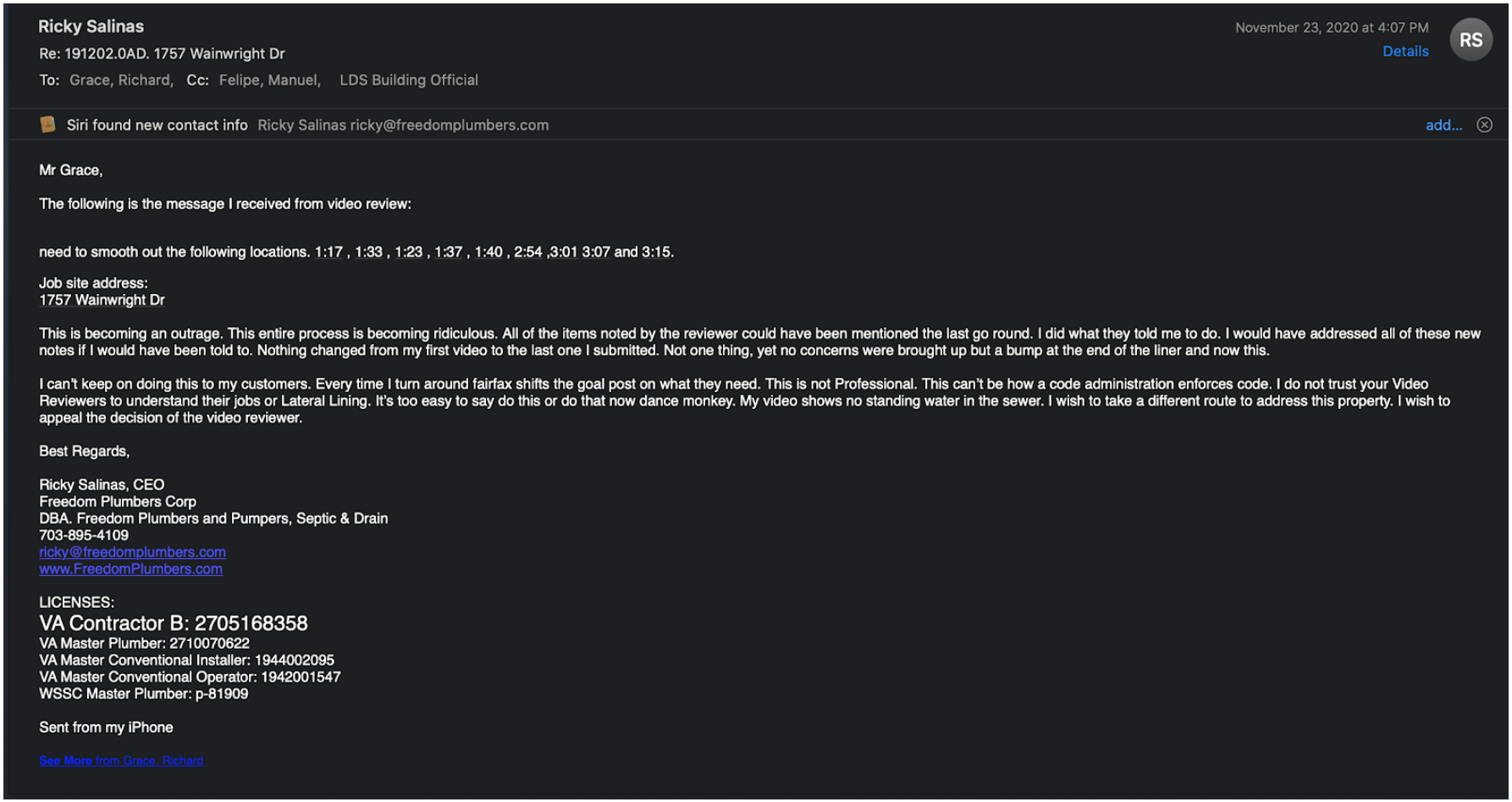
Licensing:
Contractor B: 2705168358
Master Plumber: 2710070622
Master Septic Operator: 1942001547
Master Septic Installer: 1944002095
Sewage Handling Permit: SH-061-900

Get personalized rates for monthly payments here:

www.freedomplumbers.com


Found in Inbox - ricky@freedomplumbers.com Mailbox
Grace, Richard
RE: 191202.0AD. 1757 Wainwright Dr
To: Ricky Salinas, Felipe, Manuel, Cc: LDS Building Official
November 23, 2020 at 1:06 PM
Details
RG
Siri found new contact info Richard Grace richard.grace@fairfaxcounty.gov
add...
Mr. Salinas,
If the Building Division approves the video you uploaded, they should conduct an administrative approval for that permit. Should you receive a final approval, and Mr. Felipe can confirm this, this case would be closed. Please be sure to follow-up on final approval verification through FIDO online.
Thank you,
Richard Grace, MCP
Code Specialist III
Local Board of Building and Fire Code Appeals Liaison
Building Code Research and Development
Land Development Services
Fairfax County, Virginia
703-324-1687
See More from Ricky Salinas

EMAIL TO MR. GRACE ABOUT ALL THE NEW ISSUES BROUGHT UP BY VIDEO REVIEW AFTER THE BUMP AT THE END OF THE LINER WAS ADDRESSED:



Ricky Salinas

November 23, 2020 at 4:07 PM

Details

RS

Re: 191202.0AD. 1757 Wainwright Dr

To: Grace, Richard, Cc: Felipe, Manuel, LDS Building Official

Siri found new contact info Ricky Salinas ricky@freedomplumbers.com add...

Mr Grace,

The following is the message I received from video review:

need to smooth out the following locations. 1:17 , 1:33 , 1:23 , 1:37 , 1:40 , 2:54 ,3:01 3:07 and 3:15.

Job site address:
1757 Wainwright Dr

This is becoming an outrage. This entire process is becoming ridiculous. All of the items noted by the reviewer could have been mentioned the last go round. I did what they told me to do. I would have addressed all of these new notes if I would have been told to. Nothing changed from my first video to the last one I submitted. Not one thing, yet no concerns were brought up but a bump at the end of the liner and now this.

I can't keep on doing this to my customers. Every time I turn around fairfax shifts the goal post on what they need. This is not Professional. This can't be how a code administration enforces code. I do not trust your Video Reviewers to understand their jobs or Lateral Lining. It's too easy to say do this or do that now dance monkey. My video shows no standing water in the sewer. I wish to take a different route to address this property. I wish to appeal the decision of the video reviewer.

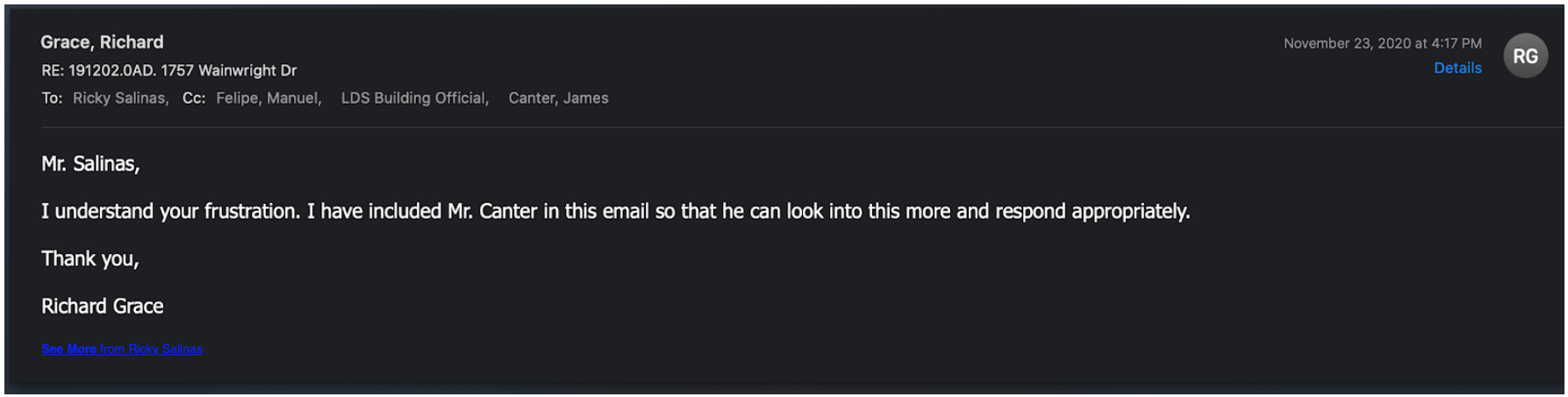
Best Regards,

Ricky Salinas, CEO
Freedom Plumbers Corp
DBA. Freedom Plumbers and Pumpers, Septic & Drain
703-895-4109
ricky@freedomplumbers.com
www.FreedomPlumbers.com

LICENSES:
VA Contractor B: 2705168358
VA Master Plumber: 2710070622
VA Master Conventional Installer: 1944002095
VA Master Conventional Operator: 1942001547
WSSC Master Plumber: p-81909

Sent from my iPhone

See More from Grace, Richard


Grace, Richard
RE: 191202.0AD. 1757 Wainwright Dr
To: Ricky Salinas, Cc: Felipe, Manuel, LDS Building Official, Canter, James
November 23, 2020 at 4:17 PM
Details
RG
Mr. Salinas,
I understand your frustration. I have included Mr. Canter in this email so that he can look into this more and respond appropriately.
Thank you,
Richard Grace
See More from Ricky Salinas

MR. GRACES REPLY TO MY CONCERNS ABOUT CONTINUED DEMANDS FOR SERVICE OF THE LINER:

November 25th. 2020. 2:00pm

Good afternoon Mr. Salinas,

I apologize for the delay in response.

Unfortunately we are experiencing high volumes of permitted inspection request and our staff has been extremely busy. This has contributed to the delay in response. I have been reviewing this matter with no less than three of our supervisors whom all review the submitted videos to ensure we are being consistent in our reviews. It has been difficult to work through these projects post installation and very time consuming on top of our regular work load.

I have been reviewing your situations regarding the multiple installations where the process has not been followed, work has been performed, and materials have been installed with out proper approvals, permits or inspections. All in violation of the USBC (Uniformed Statewide Building Code) and DPOR regulations. In two instances the code modification process appears to have been initiated and then not followed through while work continued illegally. Perhaps if your company would have followed the procedures in place and received proper approvals prior to work commencing we would not be in the situation we are in now.

1757 Wainwright Drive-

- The video submitted on 11/12/2020 was blurry and recorded at a fast pace which made it difficult to see the details along the entire pipe. From what we could see, you needed to at the very least, remove the obstruction at the end of the line and should have smoothed out a few questionable similar bumps that were protruding into the interior of the pipe.
- The video submitted on 11/22/2020 was of much higher quality and we were able to see the end of the pipe lining had been corrected. It also confirmed the areas of concern in the video as well as shed light on a few others that need to be corrected. Thus the list of exact locations for your to know exactly the areas of concern to be addressed.

materials and installation meeting or not meeting compliance. Fairfax county has been very active in the code development process for the correct use of these types of product to be permitted by the plumbing codes at both the national and state levels. We have also had manufactures provide samples of materials and information to us in the past for review so that we would have a complete understanding of these products and the benefits and shortcomings. Just because water may flow through a pipe does not mean solids will, or that the velocity of the water will be enough to flush the solids through. Any obstruction to the smooth, full open

diameter of the pipe is likely to cause a backup as well. This is precisely why piping material and fittings are required to meet certain standards and the installation of the piping components are required to meet certain standards. We are aware that existing sewer line repair cost can be high, the cost to remediate a sewer flooded structure are often times much higher, not to mention the associated health hazards and hard ships for the property owner. This is also why we will not permit or approve installations that do not meet the requirements of the USBC. If the work is not done correctly it will create issues in the future.

Section 108.1 of the USBC requires a permit for "…(v) water supply and distribution system, sanitary drainage system or vent system;". The fact that you installed linings without proper approvals does not do anything to allow us to approve an installation that does not meet the requirements of the code. You will need to bring these projects, and any others you have performed work, into full compliance with the USBC before we can approve them. Unfortunately this may result in the excavation and repair of the line in some cases as they cannot meet compliance in the condition they are in.
Your alternative course of action is to appeal the decisions to the board of appeals.

Jim Canter, Branch Chief
Inspections Branch, BD-LDS
12055 Government Center Pkwy., Suite 307
Fairfax VA, 22035
703-324-1637
703-539-9111

SALINAS TO MR. CANTERS NOVEMBER 25th EMAIL:

November 30th, 2020 at 1:42pm

Good morning Mr. Canter,

Thank you for getting back to me last week. I understand your scheduling issues and appreciate you taking the time to review and respond to the issues that I have as well. And when it comes to your statement about making sure to follow the protocol of lining permitting in Fairfax so that we can avoid being in this type of situation in the future. I completely concur with you to the point where I am no longer offering lining in the County of Fairfax. I dont know how I got to this point, but I am in it. I take responsibility for the same and all I want to do is find a resolution so that the county is satisfied and the clients can keep their fixed pipe, fixed.

I do, however, believe that Code Admin needs to have a better understanding of the possibilities of what lining has to offer, i.e, root intrusion resolutions, small and large crack resolutions for as long as the right Pre-Lining materials are used, minor pipe separation resolutions for as long as the right type of lining and pre-lining materials are used, etc. The possibilities are so much more than the extraordinarily limiting criteria that is currently used to approve or decline a host pipe for lining in your county. And when I say limiting criteria, I mean the criteria for lining a host pipe in Fairfax County can simply be seen as a statement from the county to the home owner and installer, saying, “Don't do it”. You can try, but you better not. So I won’t.

In response to your last email:

1757 Wainwright Drive: We are returning tomorrow to the property to do our best to smooth out the bumps while making sure not to compromise the liner. New video submission will be sent out tomorrow.

Thank you once again for your much valued time Mr. Canter. No matter which way this whole thing goes, I am appreciative of yours and Mr. Grace’s time and attention with all of this.

Best Regards,

Ricky Salinas, CEO
Freedom Plumbers Corporation
DBA: Freedom Plumbers & Pumpers. Septic & Drain

EMAIL TO MR. CANTER. VIDEO REVIEWER FAILED US AGAIN. THIS TIME WITH A VAGUE EMAIL:

From: Ricky Salinas <ricky@freedomplumbers.com>
Sent: Friday, December 11, 2020 11:23 AM
To: Canter, James <James.Canter@fairfaxcounty.gov>; Felipe, Manuel <Manuel.Felipe@fairfaxcounty.gov>
Subject: 1757 Wainwright Dr

Good morning Mr. Canter,

Received the following message from video review:

See previous inspection pipe is still not smooth.

Job site address:
1757 Wainwright Dr

The pipe is smooth. I'm not sure what else does video review want. The last concern that they had was the Y at the top of the pipe. This Y is 9 feet deep at the bottom of a large tree in the backyard of the homeowner. The tree is why the clean out was abandoned.

I smoothed out all areas of concern. What do they want me to do? Your feedback is appreciated Sir. Once again, thank you for your help thus far.

Best Regards,

Ricky Salinas, CEO
Freedom Plumbers Corp

On Dec 11, 2020, at 1:03 PM, Canter, James <James.Canter@fairfaxcounty.gov> wrote:

Mr. Salinas,
I have reviewed this video again. Please see my notes below.

Screen shot of the Wye fitting mentioned below.
<image002.jpg>

There are a few other areas that appear jagged as well as noted in the report.

<image010.jpg>

The screen shot below however is in the bottom portion of the pipe at a fitting and is not smooth.

<image012.jpg>

<image014.jpg>

The below two pictures are of the same fitting transition but from two different videos taken on 12/01/2020. The video shows some improvement but there are still rough places at what appears to be the bottom on the pipe in the fitting transition.
<image016.jpg>
<image018.jpg>

I agree with the video reviewers, this liner will not satisfy the intent of the code as compared to section P3002.3.1 Drainage.

Jim Canter, Branch Chief
Inspections Branch, BD-LDS
12055 Government Center Pkwy., Suite 307
Fairfax VA, 22035
703-324-1637
703-539-9111
<image019.jpg><image020.png>
Visit our LDS Operational Status page to see the most up-to-date information on applying for permits, uploading plans and scheduling appointments.

From: Ricky Salinas <ricky@freedomplumbers.com>
Sent: Friday, December 11, 2020 1:20 PM
To: Canter, James <James.Canter@fairfaxcounty.gov>
Cc: Felipe, Manuel <Manuel.Felipe@fairfaxcounty.gov>
Subject: Re: 1757 Wainwright Dr

Good afternoon Mr. Canter,

Thank you very much for your time and your response to my last review. What you are seeing is soft tissue from the felt in the liner. It is a side effect of intense sanding. Consider it like a soft gauze from a cast.

I will move to perform a hydro jet service in hopes to carefully remove these soft tissues with out further compromising the liner.

Again, thank you for your time. I wish you a happy Friday.

Best Regards,

Ricky Salinas, CEO
Freedom Plumbers Corp
DBA. Freedom Plumbers and Pumpers, Septic & Drain
703-895-4109
ricky@freedomplumbers.com
www.FreedomPlumbers.com

LICENSES:
VA Contractor B: 2705168358
VA Master Plumber: 2710070622
VA Master Conventional Installer: 1944002095
VA Master Conventional Operator: 1942001547
WSSC Master Plumber: p-81909

FAIRFAX COUNTY DOES NOT FULLY UNDERSTAND SMALL PIPE DIAMETER LINING

On Dec 11, 2020, at 1:56 PM, Canter, James <James.Canter@fairfaxcounty.gov> wrote:

Mr. Salinas,

It is my understanding that the felt liner is to be fully impregnated with resin epoxy. If that is the case, than how is there any soft tissue left. That would be indicative of improper installation based on all of the information I have received on these products.
Having done a lot of work with fiberglass and epoxies over the years (I like to work on boats), cured epoxy with a glass material imbedded in it will sand smoothly with no soft particles what so ever. Perhaps I misunderstood the process.

Jim Canter, Branch Chief
Inspections Branch, BD-LDS
12055 Government Center Pkwy., Suite 307
Fairfax VA, 22035
703-324-1637
703-539-9111
<image019.jpg><image020.png>
Visit our LDS Operational Status page to see the most up-to-date information on applying for permits, uploading plans and scheduling appointments.

From: Ricky Salinas <ricky@freedomplumbers.com>
Sent: Friday, December 11, 2020 1:20 PM
To: Canter, James <James.Canter@fairfaxcounty.gov>
Cc: Felipe, Manuel <Manuel.Felipe@fairfaxcounty.gov>
Subject: Re: 1757 Wainwright Dr

THIS IS HOW IT WORKS. I CAN DO A SEMINAR FOR YOU…..

Ricky Salinas December 11, 2020 at 2:13 PM Details RS

Re: 1757 Wainwright Dr

To: Canter, James, Cc: Felipe, Manuel

Good afternoon Mr. Canter,

Thank you for your last email. I also appreciate the opportunity to talk to you more about the process.

Yes sir, you're absolutely right. The felt is completely impregnated with resin. During the process of impregnation, air bubble start showing up. These bubbles must be removed during the process. That is why impregnation typically takes anywhere between 20 to 40 minutes pending on the length of the liner. after the impregnation, and air removal, you have to remove excess resin because if you do not, this excess resin will bleed into the remainder of the pipe and accumulate as well as settle on the bottom of the pipe, not to mention, if the excess is excessive, it will also bleed into the public sewer line creating a blockage. A hard as rock blockage because it is pure resin. That is why, after impregnation and removal of excess air, the liner must be compressed to such a point where the excess resin is removed and enough is left to leave impregnation as well as allow for a good cure with out a bleed. The felt is never removed, it is always present. When we are required to sand down a liner, we are being required to remove the initial resin coating. Once you remove the resin coat, you start getting to the felt. As you continue to sand down you are sanding down through felt and resin. All of that is present all the time. so when you continue sanding, you continue knocking off resin furthermore exposing felt. that is why it must be done in such a way to not compromise the liner. I am caught in this balancing act of trying to meet your aesthetic requirements per code while not compromising my liner. This liner is already smooth and it's functioning great. The soft tissues that you see hanging around there are like little chips that wash off in time but create absolutely no obstruction for solids. They're standing up like a little film of plastic per say, but it's soft. Not solid.

I welcome the opportunity to have you on any of my lining jobs to witness the process if you are open to the idea. heck, if you're open to other ideas like me setting up a control setting liner installation for you and whoever you would like, I welcome that opportunity as well. I can show you different scenarios from straight pipe to liners inside turns, to liner installs through cleanouts etc. I can show you sanding down of lining process, cut out and reinstatements, etc.

I hope my explanation is helpful to better understand how the felt and aligning process works during preparation and how it uphold during sanding.

And if you should take up on my idea to set something up for you and your team, just say so and I will reach out to my manufacture and gladly set something up for you guys.

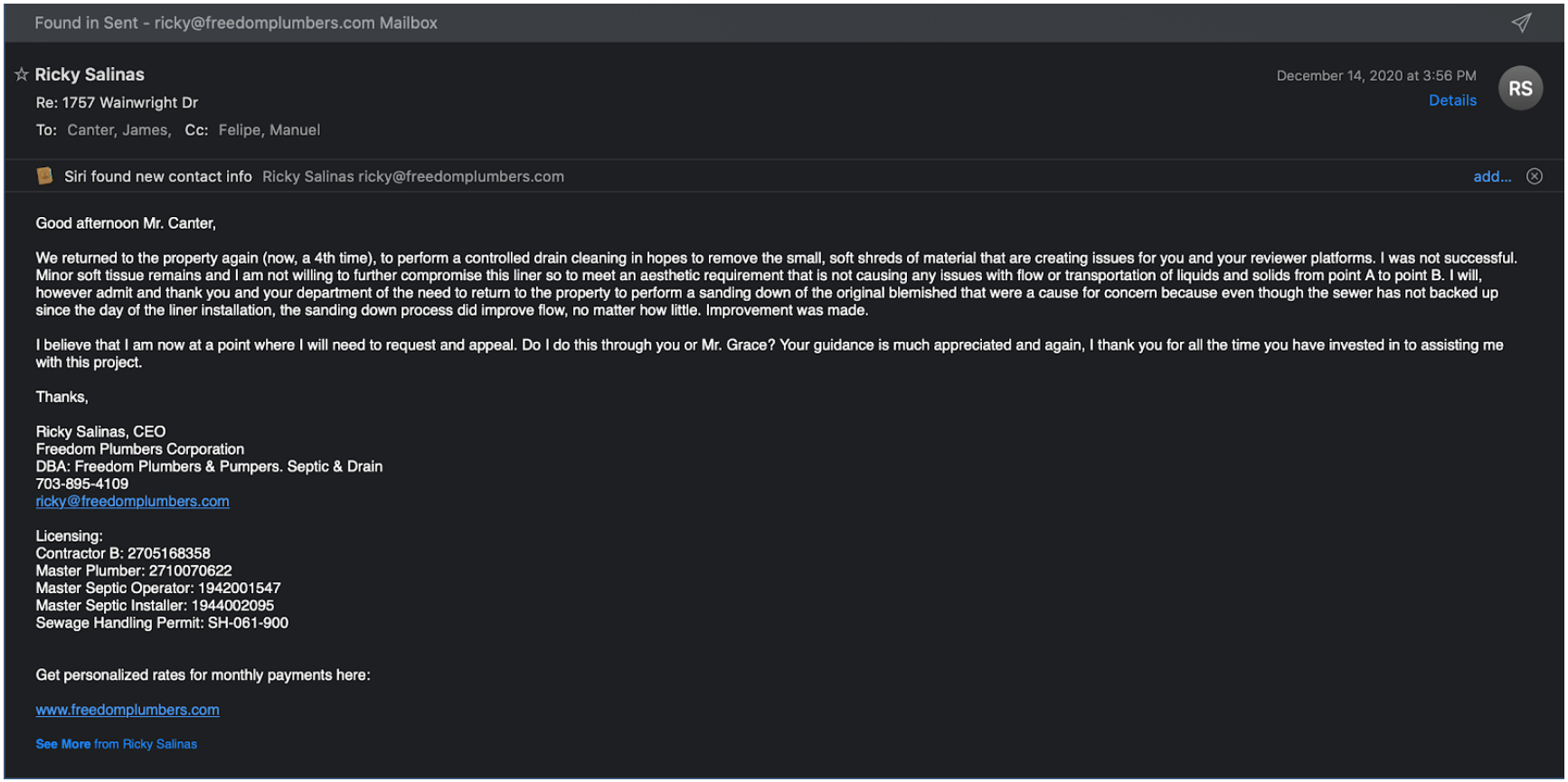
Best Regards,

Ricky Salinas, CEO
Freedom Plumbers Corp
DBA. Freedom Plumbers and Pumpers, Septic & Drain
703-895-4109
ricky@freedomplumbers.com
www.FreedomPlumbers.com

LICENSES:
VA Contractor B: 2705168358
VA Master Plumber: 2710070622
VA Master Conventional Installer: 1944002095
VA Master Conventional Operator: 1942001547
WSSC Master Plumber: p-81909

Sent from my iPhone

See More from Canter, James



Found in Sent - ricky@freedomplumbers.com Mailbox

☆ **Ricky Salinas**

December 14, 2020 at 3:56 PM

Details

RS

Re: 1757 Wainwright Dr

To: Canter, James, Cc: Felipe, Manuel

Siri found new contact info Ricky Salinas ricky@freedomplumbers.com add...

Good afternoon Mr. Canter,

We returned to the property again (now, a 4th time), to perform a controlled drain cleaning in hopes to remove the small, soft shreds of material that are creating issues for you and your reviewer platforms. I was not successful. Minor soft tissue remains and I am not willing to further compromise this liner so to meet an aesthetic requirement that is not causing any issues with flow or transportation of liquids and solids from point A to point B. I will, however admit and thank you and your department of the need to return to the property to perform a sanding down of the original blemished that were a cause for concern because even though the sewer has not backed up since the day of the liner installation, the sanding down process did improve flow, no matter how little. Improvement was made.

I believe that I am now at a point where I will need to request and appeal. Do I do this through you or Mr. Grace? Your guidance is much appreciated and again, I thank you for all the time you have invested in to assisting me with this project.

Thanks,

Ricky Salinas, CEO
Freedom Plumbers Corporation
DBA: Freedom Plumbers & Pumpers. Septic & Drain
703-895-4109
ricky@freedomplumbers.com

Licensing:
Contractor B: 2705168358
Master Plumber: 2710070622
Master Septic Operator: 1942001547
Master Septic Installer: 1944002095
Sewage Handling Permit: SH-061-900

Get personalized rates for monthly payments here:

www.freedomplumbers.com

See More from Ricky Salinas

2001 Griffith Rd. Video Reviewer Objection

REQUEST FOR INTERPRETATION

TO: OFFICE OF THE STATE BUILDING CODE TECHNICAL REVIEW BOARD
VIRGINIA DEPT. OF HOUSING AND COMMUNITY DEVELOPMENT
Main Street Centre
600 E. Main Street, Suite 300
Richmond, Virginia 23219-1321
Tel: (804) 371-7150 Fax: (804) 371-7092
Email: sbco@dhcd.virginia.gov

RECEIVED
FEB 10 2021
OFFICE OF THE REVIEW BOARD

From: Chris Childress

Phone Number : 540-267-3179

Email Address: chris.childress@radfordva.gov

Applicable Code: 2015 USBC

Code Section(s): 108.4 Prerequisites to obtaining permit.

Submitted by (signature): [redacted] Date: 02/09/2021

QUESTION(S):

Can a duly licensed contractor (Class A,B,or C) who carries a DPOR issued journeyman's card apply for and obtain a permit from the local building department?

USBC 108.4 and COV 54.1-111 states in part that the following be furnished: (i)satisfactory proof to such official or authority that he is duly licensed or certified under the terms of this chapter to carry out or superintend the same;

DPOR defines the following:

"Journeyman" means a person who possesses the necessary ability, proficiency and qualifications to install, repair and maintain specific types of materials and equipment, utilizing a working knowledge sufficient to comply with the pertinent provisions of the Virginia Uniform Statewide Building Code and according to plans and specifications.

"Master" means a person who possesses the necessary ability, proficiency and qualifications to plan and lay out the details for installation and supervise the work of installing, repairing and maintaining specific types of materials and equipment utilizing a working knowledge sufficient to comply with the pertinent provisions of the Virginia Uniform Statewide Building Code.

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CHAPTER 1 ADMINISTRATION

108.4 Prerequisites to obtaining permit.

In accordance with Section 54.1-1111 of the Code of Virginia, any person applying to the building department for the construction, removal or improvement of any structure shall furnish prior to the issuance of the permit either (i) satisfactory proof to the building official that he is duly licensed or certified under the terms or Chapter 11 (Section 54.1-1000 et seq.) of Title 54.1 of the Code of Virginia to carry out or superintend the same; or (ii) file a written statement, supported by an affidavit, that he is not subject to licensure or certification as a contractor or subcontractor pursuant to Chapter 11 of Title 54.1 of the Code of Virginia. The applicant shall also furnish satisfactory proof that the taxes or license fees required by any county, city, or town have been paid so as to be qualified to bid upon or contract for the work for which the permit has been applied.

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Code of Virginia
Title 54.1. Professions and Occupations
Subtitle II. Professions and Occupations Regulated by the Department of Professional and Occupational Regulation and Boards within the Department
Chapter 11. Contractors
Article 1. Regulation of Contractors

§ 54.1-1111. Prerequisites to obtaining business license; building, etc., permit

A. Any person applying to the building official or any other authority of a county, city, or town in this Commonwealth, charged with the duty of issuing building or other permits for the construction of any building, highway, sewer, or structure, or any removal, grading or improvement shall furnish prior to the issuance of the permit, either (i) satisfactory proof to such official or authority that he is duly licensed or certified under the terms of this chapter to carry out or superintend the same, or (ii) file a written statement that he is not subject to licensure or certification as a contractor or subcontractor pursuant to this chapter. The applicant shall also furnish satisfactory proof that the taxes or license fees required by any county, city, or town have been paid so as to be qualified to bid upon or contract for the work for which the permit has been applied.

It shall be unlawful for the building official or other authority to issue or allow the issuance of such permits unless the applicant has furnished his license or certificate number issued pursuant to this chapter or evidence of being exempt from the provisions of this chapter.

The building official, or other such authority, violating the terms of this section shall be guilty of a Class 3 misdemeanor.

B. Any contractor applying for or renewing a business license in any locality in accordance with Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1 shall furnish prior to the issuance or renewal of such license either (i) satisfactory proof that he is duly licensed or certified under the terms of this chapter or (ii) a written statement, supported by an affidavit, that he is not subject to licensure or certification as a contractor or subcontractor pursuant to this chapter.

No locality shall issue or renew or allow the issuance or renewal of such license unless the contractor has furnished his license or certificate number issued pursuant to this chapter or evidence of being exempt from the provisions of this chapter.

Code 1950, § 54-138; 1970, c. 319; 1980, c. 634; 1988, c. 765; 1990, c. 911; 1991, c. 151; 1992, c. 713; 1995, c. 771;1998, c. 754;2010, cc. 82, 755;2018, cc. 37, 88.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

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VIRGINIA BUILDING AND FIRE CODE RELATED LAWS PACKAGE

TITLE 54.1 – PROFESSIONS AND OCCUPATIONS

§ 54.1-400. Definitions.

As used in this chapter unless the context requires a different meaning:

"Architect" means a person who, by reason of his knowledge of the mathematical and physical sciences, and the principles of architecture and architectural design, acquired by professional education, practical experience, or both, is qualified to engage in the practice of architecture and whose competence has been attested by the Board through licensure as an architect.

The "practice of architecture" means any service wherein the principles and methods of architecture are applied, such as consultation, investigation, evaluation, planning and design, and includes the responsible administration of construction contracts, in connection with any private or public buildings, structures or projects, or the related equipment or accessories.

"Board" means the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects.

"Certified interior designer" means a design professional who meets the criteria of education, experience, and testing in the rendering of interior design services established by the Board through certification as an interior designer.

"Improvements to real property" means any valuable addition or amelioration made to land and generally whatever is erected on or affixed to land which is intended to enhance its value, beauty or utility, or adapt it to new or further purposes. Examples of improvements to real property include, but are not limited to, structures, buildings, machinery, equipment, electrical systems, mechanical systems, roads, and water and wastewater treatment and distribution systems.

"Interior design" by a certified interior designer means any service rendered wherein the principles and methodology of interior design are applied in connection with the identification, research, and creative solution of problems pertaining to the function and quality of the interior environment. Such services relative to interior spaces shall include the preparation of documents for nonload-bearing interior construction, furnishings, fixtures, and equipment in order to enhance and protect the health, safety, and welfare of the public.

"Land surveyor" means a person who, by reason of his knowledge of the several sciences and of the principles of land surveying, and of the planning and design of land developments acquired by practical experience and formal education, is qualified to engage in the practice of land surveying, and whose competence has been attested by the Board through licensure as a land surveyor.

The "practice of land surveying" includes surveying of areas for a determination or correction, a description, the establishment or reestablishment of internal and external land boundaries, or the determination of topography, contours or location of physical improvements, and also includes the planning of land and subdivisions thereof. The term "planning of land and subdivisions thereof" shall include, but not be limited to, the preparation of incidental plans and profiles for roads, streets and sidewalks, grading, drainage on the surface, culverts and erosion control measures, with reference to existing state or local standards.

"Landscape architect" means a person who, by reason of his special knowledge of natural, physical and mathematical sciences, and the principles and methodology of landscape architecture and landscape architectural design acquired by professional education, practical experience, or both, is qualified to engage in the practice of landscape architecture and whose competence has been attested by the Board through licensure as a landscape architect.

The "practice of landscape architecture" by a licensed landscape architect means any service wherein the principles and methodology of landscape architecture are applied in consultation, evaluation, planning (including the preparation and filing of sketches, drawings, plans and specifications) and responsible supervision or administration of contracts relative to projects principally directed at the functional and aesthetic use of land.

"Professional engineer" means a person who is qualified to practice engineering by reason of his special knowledge and use of mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and experience, and whose competence has been attested by the Board through licensure as a professional engineer.

The "practice of engineering" means any service wherein the principles and methods of engineering are applied to, but are not necessarily limited to, the following areas: consultation, investigation, evaluation, planning and design of

public or private utilities, structures, machines, equipment, processes, transportation systems and work systems, including responsible administration of construction contracts. The term “practice of engineering” shall not include the service or maintenance of existing electrical or mechanical systems.

“Residential wastewater” means sewage (i) generated by residential or accessory uses, not containing storm water or industrial influent, and having no other toxic, or hazardous constituents not routinely found in residential wastewater flows, or (ii) as certified by a professional engineer.

“Responsible charge” means the direct control and supervision of the practice of architecture, professional engineering, landscape architecture, or land surveying.

§ 54.1-402. Further exemptions from license requirements for architects, professional engineers, and land surveyors.

A. No license as an architect or professional engineer shall be required pursuant to § 54.1-406 for persons who prepare plans, specifications, documents and designs for the following, provided any such plans, specifications, documents or designs bear the name and address of the author and his occupation:

1. Single- and two-family homes, townhouses and multifamily dwellings, excluding electrical and mechanical systems, not exceeding three stories; or
2. All farm structures used primarily in the production, handling or storage of agricultural products or implements, including, but not limited to, structures used for the handling, processing, housing or storage of crops, feeds, supplies, equipment, animals or poultry; or
3. Buildings and structures classified with respect to use as business (Use Group B) and mercantile (Use Group M), as provided in the *Uniform Statewide Building Code* and churches with an occupant load of 100 or less, excluding electrical and mechanical systems, where such building or structure does not exceed 5,000 square feet in total net floor area, or three stories; or
4. Buildings and structures classified with respect to use as factory and industrial (Use Group F) and storage (Use Group S) as provided in the *Uniform Statewide Building Code*, excluding electrical and mechanical systems, where such building or structure does not exceed 15,000 square feet in total net floor area, or three stories; or
5. Additions, remodeling or interior design without a change in occupancy or occupancy load and without modification to the structural system or a change in access or exit patterns or increase in fire hazard; or
6. Electric installations which comply with all applicable codes and which do not exceed 600 volts and 800 amps, where work is designed and performed under the direct supervision of a person licensed as a master’s level electrician or Class A electrical contractor by written examination, and where such installation is not contained in any structure exceeding three stories or located in any of the following categories:
   a. Use Group A-1 theaters which exceed assembly of 100 persons;
   b. Use Group A-4 except churches;
   c. Use Group I, institutional buildings, except day care nurseries and clinics without life-support systems; or
7. Plumbing and mechanical systems using packaged mechanical equipment, such as equipment of catalogued standard design which has been coordinated and tested by the manufacturer, which comply with all applicable codes. These mechanical systems shall not exceed gauge pressures of 125 pounds per square inch, other than refrigeration, or temperatures other than flue gas of 300°F (150°C) where such work is designed and performed under the direct supervision of a person licensed as a master’s level plumber, master’s level heating, air conditioning and ventilating worker, or Class A contractor in those specialties by written examination. In addition, such installation may not be contained in any structure exceeding three stories or located in any structure which is defined as to its use in any of the following categories:
   a. Use Group A-1 theaters which exceed assembly of 100 persons;
   b. Use Group A-4 except churches;
   c. Use Group I, institutional buildings, except day care nurseries and clinics without life-support systems; or
8. The preparation of shop drawings, field drawings and specifications for components by a contractor who will supervise the installation and where the shop drawings and specifications (i) will be reviewed by the licensed professional engineer or architect responsible for the project or (ii) are otherwise exempted; or
9. Buildings, structures, or electrical and mechanical installations which are not otherwise exempted but which are of standard design, provided they bear the certification of a professional engineer or architect registered or licensed in another state, and provided that the design is adapted for the specific location and for conformity with local codes, ordinances and regulations, and is so certified by a professional engineer or architect licensed in Virginia; or

10. Construction by a state agency or political subdivision not exceeding $75,000 in value keyed to the January 1, 1991, Consumer Price Index (CPI) and not otherwise requiring a licensed architect, engineer, or land surveyor by an adopted code and maintenance by that state agency or political subdivision of water distribution, sewage collection, storm drainage systems, sidewalks, streets, curbs, gutters, culverts, and other facilities normally and customarily constructed and maintained by the public works department of the state agency or political subdivision.

11. Conventional and alternative onsite sewage systems receiving residential wastewater, under the authority of Chapter 6 of Title 32.1, designed by a licensed onsite soil evaluator, which utilize packaged equipment, such as equipment of catalogued standard design that has been coordinated and tested by the manufacturer, and complies with all applicable codes, provided (i) the flow is less than 1,000 gallons per day; and (ii) if a pump is included, (a) it shall not include multiple downhill runs and must terminate at a positive elevational change; (b) the discharge end is open and not pressurized; (c) the static head does not exceed 50 feet; and (d) the force main length does not exceed 500 feet.

B. No person shall be exempt from licensure as an architect or engineer who engages in the preparation of plans, specifications, documents or designs for:

1. Any unique design of structural elements for floors, walls, roofs or foundations; or

2. Any building or structure classified with respect to its use as high hazard (Use Group H).

C. Persons utilizing photogrammetric methods or similar remote sensing technology shall not be required to be licensed as a land surveyor pursuant to subsection B of § 54.1-404 or 54.1-406 to: (i) determine topography or contours, or to depict physical improvements, provided such maps or other documents shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination, or (ii) graphically show existing property lines and boundaries on maps or other documents provided such depicted property lines and boundaries shall only be used for general information.

Any determination of topography or contours, or depiction of physical improvements, utilizing photogrammetric methods or similar remote sensing technology by persons not licensed as a land surveyor pursuant to § 54.1-406 shall not show any property monumentation or property metes and bounds, nor provide any measurement showing the relationship of any physical improvements to any property line or boundary.

Any person not licensed pursuant to subsection B of § 54.1-404 or 54.1-406 preparing documentation pursuant to subsection C of § 54.1-402 shall note the following on such documentation: “Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.”

D. Terms used in this section, and not otherwise defined in this chapter, shall have the meanings provided in the *Uniform Statewide Building Code* in effect on July 1, 1982, including any subsequent amendments.

§ 54.1-402.1. State and local government employees; license exemptions for persons employed prior to March 8, 1992.

Any person engaged in the practice of engineering, architecture, or land surveying as those terms are defined in § 54.1-400 as a regular, full-time, salaried employee of the Commonwealth or any political subdivision of the Commonwealth on March 8, 1992, who remains employed by any state agency or political subdivision shall be exempt until June 30, 2010, from the licensure requirements of § 54.1-406 provided the employee does not furnish advisory service for compensation to the public or as an independent contracting party in this Commonwealth or any political subdivision thereof in connection with engineering, architectural, or land surveying matters. The chief administrative officer of any agency of the Commonwealth or political subdivision thereof employing persons engaged in the practice of engineering, architecture, or land surveying as regular, full-time, salaried employees shall have the authority and responsibility to determine the engineering, architecture, and land surveying positions which have responsible charge of engineering, architectural, or land surveying decisions.

§ 54.1-410. Other building laws not affected; duties of public officials.

A. Nothing contained in this chapter or in the regulations of the Board shall be construed to limit the authority of any public official authorized by law to approve plans, specifications or calculations in connection with improvements to real property. This shall include, but shall not be limited to, the authority of officials of local building departments as defined in § 36-97, to require pursuant to the *Uniform Statewide Building Code,* state statutes, local ordinances, or code requirements that such work be prepared by a person licensed or certified pursuant to this chapter.

B. Any public body authorized by law to require that plans, specifications or calculations be prepared in connection with improvements to real property shall establish a procedure to ensure that such plans, specifications or calculations be prepared by an architect, professional engineer, land surveyor or landscape architect licensed or

authorized pursuant to this chapter in any case in which the exemptions contained in § 54.1-401, § 54.1-402 or § 54.1-402.1 are not applicable.

Drafting of permits, reviewing of plans or inspection of facilities for compliance with an adopted code or standard by any public body or its designated agent shall not require the services of an architect, professional engineer, land surveyor or landscape architect licensed pursuant to this chapter.