



Guidance for VCAP Rainwater Harvesting Practices and the Virginia Department of Health Rainwater Harvesting Regulations

The Virginia Department of Health (VDH) issued new regulations for Rainwater Harvesting Systems, to be enforced starting November 20, 2024. VDH is required to adopt regulations regarding the use of rainwater, including standards for the use of rainwater harvesting systems, per [the Code of Virginia Section 32.1-248.2](#).

Rainwater Harvesting (RWH) is a popular practice funded by the Virginia Conservation Assistance Program (VCAP). These regulations can be applicable to VCAP-funded practices. The following is guidance for district staff when supporting application development for a RWH practice under VCAP.

It is the responsibility of the applicant to assure that all applicable local, state, and federal laws and regulations are met. As such, district staff must direct applicants interested in rainwater harvesting to the local Department of Health offices and/or the [Virginia Department of Health Rainwater Harvesting Regulation website](#). The Department of Health staff must support the applicant in navigating the rainwater harvesting regulations; the district staff support the applicant in navigating the VCAP requirements and contracts.

Regulation is subject to change; this guidance may not be the most up to date information. Refer to the [Virginia Department of Health Rainwater Harvesting Regulation website](#) for updated information.

VCAP and VDH Regulation Overlap

There are two primary components of VDH's Rainwater Harvesting regulations that are relevant to VCAP's RWH practices.

1. Registration or permitting of RWH practices
2. Design, install, and inspection of RWH practices by certified individuals.

1. Registration or Permitting

Any system that uses a container of over 100 gallons for any use is regulated by the Virginia Department of Health. There are degrees of requirements depending on the water usage. The following outlines the tiers of usage and guidance on requirements to meet VDH regulations.

Tier	Tier 1	Tier 2	Tier 3	Tier 4
Human Exposure	Low	Medium	High	Highest
Potable/Non-Potable	Non-Potable	Non-Potable	Non-Potable	Potable
Usage	Examples include: trap primers, restricted access spray irrigation, surface and subsurface irrigation, and ice rinks. In this context, restricted access spray irrigation means spray irrigation in fenced or remote locations where human visitation is controlled or prevented.	Examples include: toilet and urinal flushing, clothes washing, Heating Ventilation and Air Conditioning system evaporative cooling, and rooftop thermal cooling.	Examples include :hose bibs, pressure washing, firefighting or protection and fire suppression, decorative fountains, vehicle washing, and nonrestricted spray irrigation.	Human consumption.
Permit Required?	No, but VDH may request to see copies of Operation and Maintenance Plans and records.	No, but VDH may request to see copies of Operation and Maintenance Plans and records.	No, but VDH may request to see copies of Operation and Maintenance Plans and records.	Yes. Permits for construction and operating (OP) are required through the VDH Office of Drinking Water . Additional paperwork will be required, including an application .
Registration?	Yes, file a registration with VDH within 30 days of installation, or if discontinued or altered.	Yes, file a registration with VDH within 30 days of installation, or if discontinued or altered.	Yes, file a registration with VDH within 30 days of installation or if discontinued or altered.	No, permitting includes all required registration.

2. Design, Install, and Inspection by Certified Individuals

Any individual that designs, installs, or inspects these practices must have the required [American Society of Sanitary Engineering \(ASSE\) certifications](#):

- ASSE 21120 Rainwater Catchment Systems Designer
- ASSE 21110 Rainwater Catchment Systems Installer
- ASSE 21130 Rainwater Catchment Systems Inspector

RWH practices that meet the regulatory requirements must be developed by an individual with the appropriate certifications. It is upon the Department of Health local office to determine whether a project needs to be designed, installed, or certified by a qualified individual.

District staff must inspect the installations to confirm that VCAP specifications are met; district staff certify this by signing Part II and Part III of the VCAP contract. This is not equivalent to the ASSE 21130 certification, nor is it intended to be.

Summary:

- District staff should direct applicants interested in RWH to the local Virginia Department of Health for guidance on the regulations.
- Projects using 100-gallon containers of any number on a single parcel are not subject to VDH Rainwater Harvesting Regulations.
- Projects using containers over 100-gallons for Tier 1 through Tier 3 usage must have the practice designed and installed by an individual with the appropriate ASSE certifications and register the installation with VDH and provide proof of registration in order to receive reimbursement from VCAP. No additional materials are required with application submission.
- Projects with a Tier 4 usage must have the practice designed and installed by an individual with the appropriate ASSE certifications and must meet construction and operation permitting requirements from VDH and provide proof of permitting with payment request to be reimbursed.
- It is the responsibility of the applicant to assure all applicable local, state, and federal laws and regulations are met.

Regulations are subject to change. This document is guidance for soil and water conservation district staff.

Updated December 15, 2024