



**MEMORANDUM OF COOPERATION**  
**Among the**  
**Chesapeake Bay Watershed States, namely,**  
**Delaware, Maryland, Pennsylvania, Virginia, and West Virginia**

**DATA SHARING TO SUPPORT STATES' ANALYSIS AND APPROVAL OF  
ADVANCED ONSITE PRETREATMENT UNITS FOR NITROGEN REDUCTION**

**I. Purpose**

The purpose of this Memorandum of Cooperation (MOC) is to make official the agreement between the Chesapeake Bay Watershed States to share data developed to document the performance of advanced onsite pretreatment units for nitrogen reduction and, therefore, to simplify and expedite the approval processes for these technologies in each individual state, as well as to reduce costs to residents and manufacturers due to repetitive testing. Data sharing within the Chesapeake Bay Watershed region will support the restoration of the Chesapeake Bay.

**II. Parties**

The parties to this MOC are referenced as the “Chesapeake Bay Watershed States”<sup>1</sup>, and include: Delaware, Maryland, Pennsylvania, Virginia and West Virginia.

**III. Background**

In concert with the U.S. Environmental Protection Agency, the Chesapeake Bay Watershed States have developed standardized data collection protocols for use in their individual state approval programs for advanced onsite pretreatment units. The focus of these protocols is on nitrogen reduction because nitrogen is a critical nutrient impacting water quality within the Chesapeake Bay.

The Chesapeake Bay Watershed States, signatories of this MOC, agree to review data collected in compliance with the common set of data collection protocols developed by the states. The data collected in compliance with these protocols can be considered by each of the Chesapeake Bay Watershed States in their individual approval processes for advanced onsite pretreatment units for nitrogen reduction. The developed protocols include:

- The Initial Data Collection Protocol for the initial or provisional approval of advanced pretreatment units (dated March 2015); and
- A protocol for field verification testing, in the form of a Test Plan Application Template, for the general use or final approval of advanced pretreatment units (dated March 2015).

In order to facilitate field verification testing, the states developed a Test Plan Application Template, with instructions for field verification testing within the Chesapeake Bay Watershed States. Applicants will first be required to document that initial data collection for the system performance has been completed

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<sup>1</sup> The current number of nitrate removing residential or small private/commercial/institutional systems in New York State is very limited. Consequently, the two New York State agencies (Department of Health and Department of Environmental Conservation) responsible for onsite system management choose not to sign this MOC at this time. If either agency decides in the future to participate in the data sharing plan, each agency will then reconsider signing the MOC. Both agencies request that they be kept up to date on the progress of this project and similar data-sharing opportunities.

and that the system is approved for field verification in the states where final approval is requested. The applicant will then submit a Test Plan Application, based on the Test Plan Application Template to request approval to begin the field verification process.

#### **IV. Limitations**

This MOC does not supersede any existing state regulation, statute, or other law for the management of onsite systems.

The intent of data sharing is not to promote reciprocity of system approval, as each of the Chesapeake Bay Watershed States will continue to maintain its own authority to approve or deny the use of a system within its jurisdiction. Additionally, use of these data sharing protocols does not guarantee the approval of a technology. Each of the Chesapeake Bay Watershed States will approve or deny the use of an advanced nitrogen reduction pretreatment unit based on its performance relative to the state's applicable performance standards, statutes, regulations, and/or other laws.

#### **V. Duration**

This MOC becomes effective on the date of final signature and will remain in effect for a five year term from the effective date. Any party upon 90-days notice to the other parties may suggest amending this MOC through a written amendment signed by all parties. Also, upon 90 days notice, a party may elect to withdraw from the MOC through written notification to the other MOC signatories. The Chesapeake Bay Watershed States may elect to renew the MOC at the end of the duration of the current MOC.

The Initial Data Collection Protocol and Test Plan Application Template generated by the Chesapeake Bay Watershed States can be amended as needed by unanimous agreement among the states under this MOC. Any changes made to the documents do not warrant an amendment to this MOC.

Signed on April 16, 2015:



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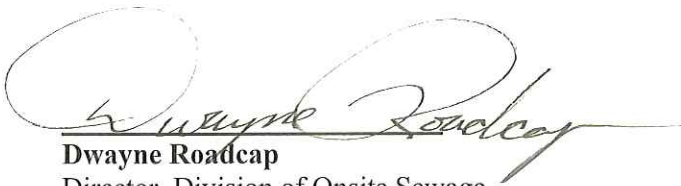
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