



COMMONWEALTH of VIRGINIA

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STATE HEALTH COMMISSIONER

Department of Health

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December 21, 1993

MEMORANDUM

GMP #39

To: District Directors
Environmental Health Managers
Environmental Health Supervisors
Environmental Health Specialists

From: Discharge Regulations Task Force

Through: Robert B. Stroube, M.D., M.P.H. *[Signature]*
State Health Commissioner

SUBJECT: Definition of waters receiving "significant primary contact uses" and guidelines for designating Prohibited Discharge Areas
Discharge - Primary Contact Waters

The Alternative Discharging Sewage Treatment Regulations for Single Family Dwellings (Discharge Regulations) prohibit discharges within one mile upstream of an area "explicitly designated for public swimming." In addition, the district health director may prohibit discharges into specified portions of a river, stream, or other potential discharge area if the waters appear to receive "significant primary contact use" such that the discharge will pose a significant threat to public health or create a nuisance.

Section 3.4.A of the Discharge Regulations outlines the procedure for the director to designate areas where discharge systems are prohibited. This policy establishes guidelines to determine when significant primary contact uses exist and to establish the minimum extent of prohibited discharge areas.

"Significant primary contact use" exists where there is documented primary-contact recreational use established by **oral testimonies** from the public obtained during public meetings, **written statements** from the public received during the public comment period, or **written comment(s)** from other government agencies, AND where the river, stream or other potential discharge area:

- i) is a canoeable or tubeable perennial stream,
or

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- ii) has a 7-Q-10 \geq 5 cubic feet per second, or
- iii) is used for primary-contact water recreation by at least 25 persons for at least 30 days per year (750 person-days). Primary contact uses include swimming, water skiing, tubing, and wet-wading.

Each health district's environmental health staff, in consultation with other government agencies and local governing bodies, shall recommend to the district health director which waters appear to receive significant primary contact use. The health director may then publish notice of the proposed designation of prohibited discharge areas and schedule public meetings during the comment period.

If the district health director finds, after the public comment period, that a stream, river, or lake receives significant primary contact use, the director may then designate prohibited discharge areas. The prohibited discharge area **should** include the significant primary contact use area and extend a minimum distance of 1500 feet upstream (or up-channel) for all-weather and intermittent streams. For dry ditch discharge, the prohibited discharge area **should** extend at least 500 feet upslope (or up-channel) from the significant primary contact use area. As provided in the Regulations, the director **may** prohibit discharges up to one mile upstream from the significant primary contact use area.

The prohibited discharge areas must be shown on a USGS 7.5' topographic map posted in each office affected by the action. The USGS 7.5' topographic map should also be used to determine the type of discharge channel involved (i.e., dry ditch versus intermittent stream).

Districts whose boundaries are streams or rivers should hold joint public meetings to consider designation of waters they share in common. Where prohibited discharge areas extend across district and county boundaries, coordination between adjacent health districts and counties will be necessary.

pc: Office of Environmental Health Services
Cal M. Sawyer, Ph.D.

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