

**Virginia Department of Health (VDH)
Sewage Handling and Disposal Advisory Committee (SHADAC)
GMP 2015-01 Frequently Asked Questions Subcommittee
November 16, 2015 – Meeting Summary**

Primary Meeting Location:

5th Floor, Main Conference Room
Madison Building
109 Governor Street
Richmond, Virginia 23219

Remote Locations:

Christiansburg Health Department
210 South Pepper Street, Suite A
Christiansburg, Virginia 24073

List of Attendees:

Advisory Committee Members at Primary Location

Mike Lynn David Fridley Curtis Moore Cody Vigil

Advisory Committee Members at Remote Locations

Jeff Walker

VDH Staff and Members of the Public at Primary Location

Lance Gregory Trisha Henshaw

Administrative

1. Welcome.

Chairman Lynn welcomed the subcommittee members.

2. Approve agenda.

The subcommittee approved the agenda.

New Business

1. Begin discussion of draft FAQ document for GMP 2015-01.

The subcommittee review questions and responses in the draft FAQ document that had been previously assigned a 2 or 3 value. (The attached draft FAQ document includes suggested revisions and comments on the questions reviewed during the meeting).

The subcommittee made two overarching recommendations for the FAQs. The first recommendation was that all design functions be completed by a licensed professional under the direct supervision of a licensed professional. The second was that VDH OSEs are licensed and should have full discretion on design.

The subcommittee was able to reach agreement on a number of questions and responses on the first three pages of the ten page document.

Adjourn

**Virginia Department of Health
Sewage Handling and Disposal Advisory Committee
GMP 2015-01 Frequently Asked Questions Subcommittee Meeting
Agenda**

Date: November 16, 2015

Time: 1:00 pm to 3:30 pm

Location: 5nd Floor, Main Conference Room
Madison Building
109 Governor Street
Richmond, Virginia 23219

Administrative (10 minutes)

1. Welcome. (5 minutes)
2. Approve agenda. (5 minutes)

New Business (110 minutes)

1. Begin discussion of draft FAQ document for GMP 2015-01.
 - i. Discuss areas identified as needing further clarification.
 - ii. Discuss areas of disagreement.

Adjourn

**Virginia Department of Health (VDH)
Safety and Health In Facilitating a Transition Implementation
Frequently Asked Questions (FAQs)**

*VDH FAQ's – Address questions that may only be relevant to VDH staff.

Comment [x1]: Recommendation to the Commissioner that all design functions be completed by a licensed professional or under the direct supervision of a licensed professional.

GMP 2015-01

General

<p>VDH FAQ: Do VDH staff have to be an OSE to design issue a well only permit?</p>	<p>Comment [x2]: See overall comment above.</p>
<p><i>If the design is for a well only, any VDH Environmental Health Specialist (EHS) can perform the sanitary survey and issue the permit, provided that they have completed training and have oversight approval from the supervisor to do so. (Subcommittee – 3)</i></p>	
<p>Will the private sector be given a "grace period" as implementation of this policy is being rolled out?</p>	
<p>No VDH staff should use their best judgment when working through implementing new aspects of the policy and work with the private sector in finding solutions to issues that arise. The policy, effective January 1, 2015, is intended assist with the implementation of VDH regulations. All onsite sewage system and private well designs and installations must abide by applicable laws and regulations. (Subcommittee – 2)</p>	
<p>Does the policy provide VDH OSE's with discretion to allow or disallow the use of specific materials or products within their bare application designs?</p>	<p>Comment [x3]: Recommendation is that VDH OSEs are licensed and should have full discretion on designs, however, VDH does not allow...</p>
<p><i>VDH employees have a ministerial duty to allow the use of approved materials that meet minimum regulatory requirements. (Subcommittee – 3)</i></p>	
<p>VDH FAQ: Should staff include details about the use of an effluent filter, or list the regulatory options for maintenance on the permit?</p>	<p>Comment [x4]: See comment x3</p>
<p><i>Unless warranted by a case specific situation, there is no need to include additional information beyond what is included on the VENIS print form. (Subcommittee – 3)</i></p>	
<p>VDH FAQ: Should staff provide additional details about approved products for system components (e.g. distribution boxes, septic tanks, etc.)?</p>	<p>Comment [x5]: See comment x3</p>
<p><i>Unless warranted by a case specific situation, there is no need to include additional information beyond what is included on the VENIS print form. (Subcommittee – 3)</i></p>	

Part I: Background, Scope, General Requirements

C. Definitions

<p>What is the definition of a "survey plat"?</p> <p><i>Va. Code Section 32.1-176.3 defines a "plat" or "survey plat" as the schematic representation of a parcel of land, showing the property boundaries, the proposed site of the water well, and</i></p>
--

any potential sources of contamination, prepared by an individual licensed by the Commonwealth to perform such services.” ~~Section 12VAC5-610-460 of the Sewage Handling and Disposal Regulations (SHDR) requires that the perimeter of the soil absorption area site or sites be shown on a copy of a survey plat prior to the issuance of a permit. GMP 2015-01 states that VDH does not prescribe the method or equipment to accomplish surveying of the absorption area, but strongly encourages the use of licensed surveyors. (Subcommittee – 2)~~

Comment [x6]: See 18vac10-20-370.d item 2 plats and maps. Need further discussion about permission, etc. regarding plats.

What is the definition of a “conventionally approved system” (see 12VAC5-610-255.F)?

~~A conventionally approved system means something that is not provisional or experimental. With promulgation of 12VAC5-613, VDH no longer lists sewage systems as experimental or provisional; instead, systems are referred to as having general or non-general approval (see 12VAC5-613). (Subcommittee – 2)~~

Part II: Applications

B. Construction Permit Applications

VDH FAQ: What happens when ~~VDH staff performs a new site evaluation and finds that~~ a site previously approved to disperse septic tank effluent (subdivision review/certification letter) actually requires treatment under current regulations?

~~Certification letters and subdivision reviews do not indicate the type of system that will be required when a construction permit is requested, even when the information provided with the letter or review does indicate some expected system type. Certification letters and subdivision reviews do not expire. Regulations may change from the time the letter or review is approved. Certification letters and subdivision reviews only provide a guarantee that some type of onsite sewage system can be permitted at the site. The specific type of system is determined at the time of application for a construction permit. (Subcommittee – 2)~~

C. Certification Letter Applications

Can certification letters and subdivision ~~approval request reviews~~ be ~~approved~~ submitted under 32.1-163.6?

~~Certification letters are issued pursuant to Va. Code 32.1-163.5 and Va. Code 32.1-164.G (not Va. Code 32.1-163.6). If an applicant demonstrates at least one possible design presently exists, and VDH is adequately confident that the footprint—by survey on a plat of the property—is sufficiently sized to accommodate the requested flow to issue a future construction permit, then VDH will issue the certification letter. Our goal for a certification letter is to confirm that the proposed footprint is large enough to accommodate the flow, given the site and soil conditions, and the treatment and dispersal options outlined in applicable regulations. A conceptual plan, demonstration, or example idea (not a full-blown design plan for a construction permit) is needed to issue the certification letter.~~

Comment [x7]: Re-write and provide to subcommittee for review. Reference 613 regs.

~~A certification letter only indicates that a site is suitable for an onsite sewage disposal system. It~~

does not need to indicate the type of system for which the site is suitable. How you achieve the required level of treatment and dispersal based on the site evaluation is a design question that will be answered with the design for the construction permit. **(Subcommittee – 2)**

VDH FAQ: ~~If a bare application site has a shallow limiting feature, may a VDH OSE estimate the permeability of a soil horizon, size an area appropriately, and then~~ issue a certification letter for a site which under today’s rule would require treatment?

Yes. Certification letters are issued in accordance with Va. Code §32.1-164.G, which states “[the] Board shall establish and implement procedures for issuance of letters recognizing the appropriateness of onsite sewage site conditions in lieu of issuing onsite sewage system permits. The Board may require that a survey plat be included with an application for such letter.” The agency’s policy for processing a bare application for certification letter is as follows:

Comment [x8]: See comment x3.

- 1) The certification letter must correctly identify that a regulatory compliant footprint exists on the property (e.g., Sewage Handling and Disposal Regulations or AOSS Regulations); whenever staff cannot discern whether a regulatory compliant footprint exists, then staff will deny the application and require an application with supporting private sector work.
- 2) The soil loading rate shall comply with Table 5.4 of the Sewage Handling and Disposal Regulations for septic tank effluent; in accordance with attached Table when TL-2 or TL-3 treatment is considered.
- 3) The footprint for the certification letter cannot be located within jurisdictional wetlands; staff may require a wetlands survey when wetlands is a concern or suspected where the footprint for certification letter is identified.
- 4) The footprint must have at least 6 inches of suitable, naturally occurring soil with no soil wetness feature or other soil limiting feature below the proposed trench bottom or proposed installation depth;
- 5) The minimum absorption area size (footprint) must be 400 square feet;
- 6) A survey located plat of the footprint or site is necessary. **(Subcommittee – 2)**

E. Documentation Required for Site Evaluation Reports.

Is a complete soil report required for a repair where we are just replacing a distribution box?

The necessity of a soil report for a repair permit is determined on a case-by-case basis by the local health department (LHD). In general, soil evaluations are only necessary when delineating a new absorption area or evaluating the adequacy of an existing absorption area. **(Subcommittee – 2)**

Comment [x9]: Suggestion to complete SAP rather than perform soil evaluation.

F. Survey Plats.

Is a survey plat required for a repair where we are just replacing a distribution box?

Yes, or a survey plat waiver. **(Subcommittee – 3)**

How does VDH implement scale drawings when a survey plat waiver is granted?

The designer can still use permanent field markers, such as the corners of a house, to triangulate measurements to proposed system components. Those triangulated measurements can be used to generate a scale drawing. (Subcommittee – 2)

VDH FAQ: Why wouldn't every private OSE/PE include a survey waiver request with their application to keep their clients expenses down?

A plat waiver is not automatic. The policy affords applications with supporting work from the private sector the same ability to request a plat waiver as bare applications. LHD decisions to grant or deny waiver request should be consistent for both bare applications and applications with supporting work from the private sector. (Subcommittee – 2)

I. Prioritizing Applications

Does a system have to be failing for it to be a priority Level 1 application (e.g. issues that fall in between maintenance and a malfunction)?

Only the district staff and management can make an accurate determination of what priority to assign a particular application. (Subcommittee – 2)

Will applications with supporting work from the private sector be processed according to the timeframes specified in the Code of Virginia (e.g. 15 days), or will they be processed according to the VDH QA/QC policy (95% within 5 days)?

The time-lines in the QA/QC policy help districts identify bottlenecks in processing applications and determine how to improve timeliness. The QA/QC policy does not specify that private sector applications must be completed within 5 days – although the policy does encourage districts to strive for improvement beyond the Code imposed deadlines for processing applications. (Subcommittee – 2)

Why are voluntary upgrades listed below certification letters?

Voluntary upgrades are just that, voluntary. Therefore, higher priority public health situations (e.g. repairs) and other processes mandated by the Code receive priority. (Subcommittee – 3)

J. Work Product Expectations:

VDH FAQ: Part II, Section J.4 seems to create a conflict with the survey plat requirement. Can VDH OSEs hand draw the dispersal area location on the survey plat for construction permits?

The SHDR states that prior to the issuance of the construction permit the perimeter of the absorption area must be shown on a copy of a plat. (Caution: if photocopying a plat, be sure that the scale is still accurate). Therefore, VDH OSEs and private sector designers alike can elect to hand draw the perimeter of the absorption area on a copy of the plat rather than having it survey located. However, this caveat does not apply to certification letters. The absorption area for a certification letter needs to be surveyed onto a plat because the site may not be touched again for 20 years, whereas construction permits require action within 18 months. Construction permits also include a detailed drawing of the proposed system not required for

Comment [x10]: Stopped here.

<i>certification letters. (Subcommittee – 2)</i>
VDH FAQ: What is necessary to ensure accurate measurements from private OSEs/PEs (e.g. measurements less than 200 feet, tie down drainfield corners)?
<i>The information necessary to ensure accurate measurements will vary. (Subcommittee – 2)</i>
Is it acceptable to measure along a property line and then use a right angle to that property line to get the second measurement?
<i>Triangulation is the expected method to ensure accurate measurements. The use of a right angle is not. (Subcommittee – 2)</i>

Part III: VDH Review

A. Application Review.

Will the LHD be mailing, emailing or faxing the permit approval/denial and review forms to the OSE/PE?
<i>You can provide information electronically, in addition to paper copies. (Subcommittee – 2)</i>
Please discuss the following sentence: “If for whatever reason, the Department’s permit is different from that certified by the OSE/PE, the Department shall also include a copy of the permit, and an explanation of the revision(s), in addition to the approval letter so that all differences are readily identified.”
<i>This section was included for instances where LHD staff and a private OSE/PE agree on revisions to a design and the revisions are subsequently marked on the permit by the LHD. (Subcommittee – 3)</i>
If an EHS calls a private OSE/PE and property owner for a Level 2 field review and the OSE/PE or the owner asks to reschedule the site visit, does the EHS have to change the site visit date (e.g. designer/owner requesting a site visit after that date the permit would become deemed approved)?
<i>VDH staff should make an effort to work with property owners and private OSE/PEs when scheduling Level 2 field reviews. (Subcommittee – 2)</i>

B. Revalidating Expired OSE/PE Permits; Relying on Previous Certifications.

If a permit was issued before December 7, 2013, for an AOSS located within the Chesapeake Bay watershed, can the permit be extended if the original application doesn’t include nitrogen removal?
<i>Yes. (Subcommittee – 2)</i>
Is a letter of approval from the design OSE/PE required before the extension is granted?
<i>No. (Subcommittee – 2)</i>

C. Design Changes

Can documentation of design changes be submitted with the completion statement? <i>Yes. (Subcommittee – 2)</i>
Did VDH consider the additional cost to applicants when requiring a new application and fee to move a well? <i>The process does not create a new cost because a valid permit was already issued. Moving the well requires the issuance of a new permit. However, District Environmental Health Managers can allow minor deviations to proposed well locations without a new application or fee on a case-by-case basis. (Subcommittee – 2)</i>
Is a new well permit application required or is a combined permit application required to approve a well site? <i>Only a well permit application, unless the proposed well site will also require modification of the approved onsite sewage disposal site. (Subcommittee – 2)</i>
Can a designer propose multiple well sites/areas on one permit? If so, can the different areas be for different well classes? <i>Permitting of multiple well sites/areas is acceptable. When multiple well areas are proposed, each of the well areas must meet the requirements of the Private Well Regulations. (Subcommittee – 2)</i>
VDH FAQ: Is there an expectation that “design changes” will be acknowledged with a new approval letter listing revision dates and using the same expiration date as the original permit? <i>No, VDH staff will not issue a revised permit approval letter for minor design changes. The OSE/PE must ensure that all parties are aware of changes. If VDH staff find that the proposed design changes do not comply with the regulations or GMP 2015-01, then they must notify the OSE/PE immediately. Notification must be in writing with appropriate due process offered. (Subcommittee – 2)</i>

Part IV: Final Inspections

A. General Requirements and Expectations:

Does the 10% Level II construction inspections mean 10% of each individual OSE/PE’s submissions or 10% of all OSE/PE submissions combined? <i>The expectation is 10% of the total number of OSE/PE submissions. However, districts are encouraged to disperse reviews as evenly as possible among individual OSE/PEs and installers. (Subcommittee – 2)</i>
If a private OSE/PE does not indicate on their inspection form that they have inspected/approved the well, would VDH hold up the operation permit? The policy just says that OSE/PEs are

<p>“expected” to perform a final inspection of the well.</p>
<p><i>These situations should be handled on a case-by-case basis. (Subcommittee – 2)</i></p>
<p>Can the well drillers be required to do an as-built to alleviate the need for the OSE/PE to perform an inspection?</p>
<p><i>The OSE/PE inspection statement certifies compliance with all applicable regulations. The OSE/PE must determine what information and site inspections are necessary to certify. (Subcommittee – 2)</i></p>
<p>Would the private OSE/PE be responsible to ensure casing depth, grout depth, and water quality (i.e. will the OSE received a copy of the Uniform Well Water Completion Report)?</p>
<p><i>The LHD will make the final determination regarding approval of the well based on an evaluation of the Uniform Well Water Completion Report. (Subcommittee – 2)</i></p>
<p>Is the Level 2 construction inspection more for reviewing the contractors work or the OSEs work?</p>
<p><i>The Level 2 construction inspection ensures proper installation of the system. The installer and OSE/PE may agree upon design changes that VDH is not aware of before VDH’s inspection. Those changes have to be noted prior to issuance of an OP, so it is possible that VDH’s inspection might identify changes that are not yet documented in the file or permit. (Subcommittee – 2)</i></p>
<p>Who is responsible for contacting VDH for the Level 2 construction inspection?</p>
<p><i>LHD staff should work with designers and installers in their area to establish acceptable local processes. A best management practice could be for the installer to call the LHD at least 48 hours in advance to let staff determine whether they will participate in a Level 2 construction inspection. It would also assist communication if the OSE/PE calls the LHD the day before the install to verify that LHD staff plan on performing a Level 2 construction inspection and to set up a time for a joint inspection. (Subcommittee – 2)</i></p>
<p>If VDH comes out to perform a Level 2 inspection does all liability go to VDH?</p>
<p><i>Staff should adhere to policy and regulation to avoid concerns about liability. (Subcommittee – 2)</i></p>
<p>What is VDH going to collect during the Level 2 construction inspection? What if the installation is not finished when VDH staff arrive or the system was already approved by the OSE/PE and covered up?</p>
<p><i>Staff will inspect all visible components of the system, location, and record installation observations. (Subcommittee – 2)</i></p>
<p>VDH FAQ: The policy says that sewage system installers “should always notify” the LHD prior to installation, while well drillers “shall notify” the LHD prior to installation. Do we have any more or less authority to require prior notification of an installation from a sewage system installer versus a well driller?</p>

No. The expectation to notify the LHD prior to construction is the same for both.
(Subcommittee – 2)

What happens if contractors don't call the LHD prior to installation of an onsite sewage system or well?

OEHS and LHD staff will work to improve awareness of this expectation. **(Subcommittee – 2)**

FORMS GENERAL

Form 2: Cover Page

Does the Department of Professional and Occupational Regulations recognize an electronic licensed designer's signature?

If you have concerns regarding an electronic signature, VDH encourages you to contact DPOR to discuss this matter as they are the agency with regulatory oversight over licensees. However, VDH doesn't believe electronic signatures will present an issue for either of OSEs or PEs.

(Subcommittee – 2)

Form 8: Example system specifications worksheet

The policy mentions numerous calculations to be shown in the permit, but there is no specific design form.

The previous System Specifications form and Design Calculations form have been combined into the new System Specifications form. However, additional calculations not provided on the System Specification form may be necessary (e.g. calculations related to the design of drip dispersal systems). Many of these additional calculations include numerous variables making the use of a standardize form(s) difficult. In cases where additional design calculations are required, the calculations should be provided in a format determined by the OSE/PE.

(Subcommittee – 2)

I'm confused about the Septic Tank Capacity/Size of Septic Tank(s) lines in the Pretreatment Unit(s) section.

The "Septic Tank Capacity" is the total capacity of all the septic tanks in the design (design may include multiple tanks in series). The "Size of Septic Tank(s)" is the proposed size for each individual tank. Notes will be added to the PDF forms to help explain the intent of each field.

(Subcommittee – 2)

Form 9: Example private well specification worksheet

Are the distances shown on the form supposed to be the minimum requirements of the regulations or the actual distance in the proposed design?

The OSE/PE has discretion. This information is also covered as part of the construction drawing, since all sources of contamination must be identified within 200 feet. **(Subcommittee**

- 2)

Form 10: Example private well abandonment specification worksheet

Has there ever been a concrete policy issued on how close septic components and absorption areas can be set after a bored well has been properly abandoned?

Bored and uncased wells abandoned in accordance with the Private Well Regulations must be treated as wells with respect to determining the minimum separation distance to sources of contamination. However, 12VAC5-630-450.C.7 allows for other abandonment procedures to be approved by the division on a case-by-case basis. (Subcommittee – 2)

Form 14: Malfunction Assessment

Is the malfunction assessment form required for voluntary upgrades and simple repairs, such as replacing a distribution box?

The malfunction assessment is required for all repair permit applications, not voluntary upgrades. The intent is to ensure that before issuing a repair permit, the system is evaluated to determine the condition of the system. Some of the items on the malfunction assessment will not be applicable to each and every situation. (Subcommittee – 2)

Do private sector designers have to fill out the malfunction assessment? I'm not trying to turn in my client for having a failing system.

By submitting a repair application you are alerting VDH that the system serving the property is failing. Filling out the malfunction report does not increase or diminish the owner's requirement to have a functioning sewage system. VDH expects the malfunction assessment be filled out for all repairs. (Subcommittee – 2)

What is going to happen with the malfunction assessment data? Will it be available to public?

This information will be used to better understand the causes of sewage system failures in the Commonwealth and evaluate regulation and policy effectiveness. (Subcommittee – 2)

Removed From Policy

If VDH only receives one copy of the design package, what are VDH staff required to give back?

Nothing. The OSE/PE permit print forms in VENIS will be revised to direct owners to the plans they have received from their OSE/PE rather than "the attached drawings, specification, and calculations". VDH can provide additional copies pursuant to FOIA. (Subcommittee – 2)

If VDH is not providing a copy of the permitted design package, how will the owner/installer know that they have the correct design package?

The permit approval letter will still reference the date of the approved plans. The OSE/PE must ensure that all interested parties receive a copy of the approved plans. (Subcommittee – 2)

Without requiring an abbreviated design form, how will VDH review packages for sites where

the regulations require water mounding or other calculations to assure that a permit can be issued?

VDH will evaluate the treatment level, footprint, loading rate, and other calculations as needed to confirm a sewage system could be designed in accordance with 12VAC5-610 and 12VAC5-613. If you do not receive adequate information to identify whether a sewage system could be designed in accordance with the regulations, then ask for the additional information needed. However, a complete design should never be necessary for a certification letter. (Subcommittee – 2)