

**Virginia Department of Health (VDH)  
Sewage Handling and Disposal Advisory Committee (SHADAC)  
GMP 2015-01 Frequently Asked Questions Subcommittee  
May 29, 2015 – Meeting Summary**

**Primary Meeting location:**

5nd 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

Virginia Beach Health Department  
4452 Corporation Lane  
Virginia Beach, Virginia 23462

**List of attendees:**

Advisory Committee Members at Primary Location

Dwayne Roadcap      David Fridley      Curtis Moore      Cody Vigil

Advisory Committee Members at Remote Locations

Mike Lynn      Jeff Walker

VDH Staff and Members of the Public at Primary Location

Lance Gregory

VDH Staff and Members of the Public at Remote Locations

Dan Horne      Brad Delashmutt

**Administrative**

1. Welcome.

Mr. Gregory welcomed the subcommittee members.

2. Approve agenda.

The subcommittee approved the agenda.

**New Business**

1. Establish goals for the subcommittee.

Mr. Gregory asked the subcommittee members to set goals for the subcommittee.

Mr. Walker stated that he had issues with the Safety and Health in Facilitating a Transition (SHIFT) process, and that he felt there were errors in GMP 2015-01 in regards to the roles of VDH staff. Mr. Walker hoped to identify those issues through the subcommittee process and distinguish when a policy supports the Code of Virginia and when it is just a policy.

Mr. Fridley commented that GMP 2015-01 came into effect in January, and it is now June. Mr. Fridley stated it would be helpful to have some Frequently Asked Questions (FAQs) answered on the external website to help interpret the policy. He stated it may be helpful for the subcommittee to identify areas of agreement, and release those questions to the public and add to those responses in the future.

Mr. Moore asked whether GMP 2015-01 was open for critique.

The subcommittee members agreed they could present recommendations regarding the policy when necessary.

Chairman Lynn commented he understood the purpose of the subcommittee was in line with Mr. Fridley's suggestion, with a focus on the FAQs document. Chairman Lynn stated there is a potential for the SHADAC to develop a broader white paper to go to the State Health Commissioner regarding the issues Mr. Walker had raised. He also commented that there is nothing stopping VDH from sending out the FAQ document in its current form.

The subcommittee agreed to review the draft FAQ document and respond with a 1, 2, or 3 for each FAQ. A 1 meant there is general agreement with the proposed response. A 2 meant further clarification of the question and response are necessary. A 3 meant there was significant disagreement among with the question and response.

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

The subcommittee reviewed questions and responses in the FAQ document, and assigned a 1, 2, or 3 value. (The attached draft FAQ document includes the number agreed upon by the subcommittee for each question and response.)

Subcommittee members discuss a number of suggested edits to the FAQ document. A frequent comment was to include a yes or no at to clarify the response. Subcommittee members also

pointed out numerous areas where the current language was vague and required clarification to specify the subject of the question. Through these suggestions the subcommittee was able to reach agreement on a number of questions and responses.

Mr. Walker pointed out that health districts have different policies regarding the disclosure document and suggested that VDH catalog local policies to show the variability across the Commonwealth.

There was significant disagreement regarding who can design and issue well only permits. Mr. Roadcap commented that the answer provided in the FAQ document regarding well only permits is the agency's policy.

There was also significant discussion among subcommittee members on FAQs dealing with VDH onsite soil evaluators specifying products or components. The subcommittee recommended that the group of questions dealing with this subject be combined into one question and response.

A final area of significant discussion dealt with soil report requirements for repairs and safe, adequate, and proper evaluations (SAP). Chairman Lynn stated that addressing the issue of application standards for repairs and SAPs should be a top priority for the SHADAC.

Following discussion on the FAQ document, Mr. Gregory committed to providing the subcommittee with two separate documents: 1) FAQs where the subcommittee found general agreement; and 2) FAQs where the subcommittee required additional discussion or had general disagreement. The first document would also incorporate suggested revisions from the subcommittee deemed necessary to reach general agreement.

The meeting then adjourned.

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

Date: May 29, 2015

Time: 10 am to 12 pm

Location: 5nd 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

Virginia Beach Health Department  
4452 Corporation Lane  
Virginia Beach, Virginia 23462

**Administrative (10 minutes)**

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

**New Business (110 minutes)**

1. Establish goals for the subcommittee.
2. Begin discussion of draft FAQ document for GMP 2015-01.
  - i. Identify areas of agreement.
  - ii. Identify areas that need further clarification.
  - iii. Identify 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.

**DISCLOSURE DOCUMENT**

**VDH FAQ:** Can we modify the disclosure document to fit our local policy for requiring a private Onsite Soil Evaluator (OSE)/Professional Engineer (PE)?

*Contact OEHS if you need to provide a disclosure for a local ordinance. (Subcommittee – 1)*

**WEBSITE**

It would be helpful to include “areas served” on the service provider website.

*OEHS will look into whether that is a viable possibility. While services providers may typically work within certain “areas served,” they may be willing to work outside those areas under special circumstances. (Subcommittee – 1)*

If my business has multiple offices, can I register multiple times on the service provider website, once for each office?

*Please contact Lance Gregory at [Lance.Gregory@vdh.virginia.gov](mailto:Lance.Gregory@vdh.virginia.gov) for assistance to ensure that each of your offices are shown on the service provider website. (Subcommittee – 1)*

Can the service provider website include links to our business website?

*VDH has chosen not to include that information at this time. (Subcommittee – 1)*

How often will the service provider website be updated?

*OEHS expects to update the list at least quarterly. (Subcommittee – 1)*

**New Print Forms**

**VDH FAQ:** What print forms do I use now for bare applications in VENIS?

*Use the “Master New EHS Sewage Permit”; the “SITE AND SOIL SUMMARY”; and the “Well Permit”.*

*The “Master New EHS Sewage Permit” and the “Well Permit” both have a cover page that would be redundant for a combined application. You can discard the duplicate cover page in the “Well Permit” when you have a combined application. We are working on revisions to eliminate the redundant cover page in the future.*

*You should have 3 signatures total in a septic and well permit package: one on the Sewage System Construction Permit (page 1 of the Master New EHS Sewage Permit form), one on the*

*cover page (page 2 of the Master New EHS Sewage Permit form), and one on the SITE AND SOIL SUMMARY. (Subcommittee – 1)*

**VDH FAQ:** The Private Well print form needs major revisions.

*A revised form is being developed. (Subcommittee – 1)*

## GMP 2015-01

### General

**VDH FAQ:** Do VDH staff have to be an OSE to issue a well only permit?

*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 approval from the supervisor to do so. (Subcommittee – 3)*

Access to records is a major issue. It is a necessary component of a proper sanitary survey. Does this policy improve the private sectors access to records?

*Find attached VDH's policy and training for processing requests pursuant to the Virginia Freedom of Information Act. (Subcommittee – 1)*

Will the private sector be given a "grace period" as implementation of this policy is being rolled out?

*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)*

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?

*VDH employees have a ministerial duty to approve materials that meet minimum regulatory requirements. (Subcommittee – 3)*

**VDH FAQ:** Should staff include details about the use of an effluent filter, or list the regulatory options for maintenance on the permit?

*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)*

**VDH FAQ:** Should staff provide additional details about approved products for system components (e.g. distribution boxes, septic tanks, etc.)?

*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)*

Private sector designers should be able to submit projects and pay for applications electronically.

*VDH hopes to have such capability in the future. The policy does allow for electronic submission of private sector design packages (i.e. via email). (Subcommittee – 1)*

Does GMP 2015-01 institute the “once-touched” policy statewide (e.g. sites with private sector subdivision evaluation require a private sector construction permit design?

*No. (Subcommittee – 1)*

Have the Authorized Onsite Soil Evaluator Regulations (12VAC5-615) been rescinded?

*No. As described in the agency’s background document, VDH does not have authority to enforce 12VAC5-615 so those regulations should not be used for any purpose. (Subcommittee – 1)*

## **Part I: Background, Scope, General Requirements**

### **C. Definitions**

What is the definition of a “proprietary, pre-engineered system”?

*The code does not define the term and there is no definition established in regulation or policy. All applications with supporting work from the private sector are subject to deemed approval or processing times pursuant to Va. Code 32.1-163.6. (Subcommittee – 1)*

What is the definition of a “survey plat”?

*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 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)*

How is "direct supervision" defined?

*The Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals (WWWOSSP) Regulations defines “direct supervision” as “being responsible for the compliance with this chapter [Title 54.1, Chapter 23] by any unlicensed individual who, for the purpose of obtaining the necessary competence to qualify for licensure, is engaged in activities requiring an operator, installer, or evaluator license.” Guidance from the WWWOSSP dated September 27, 2011, states that “If a licensed onsite soil evaluator has a direct employer-employee relationship or a written contract with an unlicensed individual, the unlicensed individual may perform soil evaluation task without the licensed onsite soil evaluator being present. The licensed onsite soil evaluator will be responsible for the unlicensed individual’s compliance with all applicable laws and regulations.” (Subcommittee – Agree to*

**Strike Question)**

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 reviews be 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.*

*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?

*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:*

- 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)*

**VDH FAQ:** Some districts allow their staff to hand-draw the dispersal area for a certification letter on a survey plat. Is that acceptable, or does the dispersal area need to be located on the plat by a surveyor, unless a survey plat waiver is granted?

*The dispersal area must be survey located on the plat for certification letters, not hand drawn, unless the survey plat is waived, which should only happen in rare instances. (Subcommittee – 1)*

#### **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)*

**F. Survey Plats.**

<p>Is a survey plat required for a repair where we are just replacing a distribution box?</p> <p><i>Yes, or a survey plat waiver. (Subcommittee – 3)</i></p>
<p><b>VDH FAQ:</b> To waive the survey plat requirement we have to make a site visit. Is the time limit (e.g. 15 days) waived?</p> <p><i>No. (Subcommittee – 1)</i></p>
<p>How does VDH implement scale drawings when a survey plat waiver is granted?</p> <p><i>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)</i></p>
<p>Can a professional engineer submit an engineered design with a survey waiver?</p> <p><i>Yes. The LHD must evaluate the request for a survey waiver for that specific case and render a decision. (Subcommittee – 1)</i></p>
<p>Can the survey be 100 years old?</p> <p><i>Yes. (Subcommittee – 1)</i></p>
<p><b>VDH FAQ:</b> Why wouldn't every private OSE/PE include a survey waiver request with their application to keep their clients expenses down?</p> <p><i>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></p>

**G. Denials of Applications (not a principal place of residence):**

<p>Why does the property have to be the principle place of residence to receive a refund?</p> <p><i>Va. Code Section 32.1-164.C states that if VDH denies a permit for land on which the applicant seeks to construct their principle place of residence, then the permit fee shall be refunded to the applicant. No such provision is provided within the Code when the application is not for a principle place of residence. Although not afforded the potential for a refund, such applicants can still submit a second application within 90 days without paying a fee, or they can appeal the decision to deny the application. (Subcommittee – 1)</i></p>
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**I. Prioritizing Applications**

<p>What is the current average turnaround time bare applications, and for applications with supporting work from the private sector?</p>
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*Contact Lance Gregory at (804) 864-7491 for a statewide report, or your local health department for a local report. (Subcommittee – 1)*

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 surveyed 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 certification letters. (Subcommittee – 2)*

**VDH FAQ:** What is necessary to ensure accurate measurements from private OSEs/PEs (e.g. measurements less than 200 feet, tie down drainfield corners)?

*The information necessary to ensure accurate measurements will vary. (Subcommittee – 2)*

Is it acceptable to measure along a property line and then use a right angle to that property line to get the second measurement?

*Triangulation is the expected method to ensure accurate measurements. The use of a right angle is not. (Subcommittee – 2)*

### Part III: VDH Review

#### A. Application Review.

<p>What is meant by “the denial must be linked to the appropriate OSE/PE using VENIS”?</p> <p><i>This is to make sure VDH staff include the appropriate OSE/PE information in the “Evaluated by” and “Designed by” fields in VENIS, linking the OSE/PE to the specific design submittal in the database. (Subcommittee – 1)</i></p>
<p>Is a Level 1 review required for all private sector designs?</p> <p><i>A Level 1 review is expected for all private sector designs. (Subcommittee – 1)</i></p>
<p><b>VDH FAQ:</b> Can VDH waive a level 1 review and issue the permit before it becomes deemed approved on day 15?</p> <p><i>A Level 1 review is expected for all private sector designs. (Subcommittee – 1)</i></p>
<p>Will the LHD be mailing, emailing or faxing the permit approval/denial and review forms to the OSE/PE?</p> <p><i>You can provide information electronically, in addition to paper copies. (Subcommittee – 2)</i></p>
<p>How long has VDH been using the Level 1 and Level 2 review forms? Who created them?</p> <p><i>The Level 1 and Level 2 review forms were created in 2006-2007 by a committee of VDH staff tasked with development of the QA/QC policy. (Subcommittee – 1)</i></p>
<p>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.”</p> <p><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></p>
<p>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)?</p> <p><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></p>

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

<p>How long of an extension will be granted?</p>
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<p><i>The permit will be extended 18 months from the original expiration date. See Va. Code Section 32.1-164.1:1. (Subcommittee – 1)</i></p>
<p>If building has not commenced is a new application, fee, and OSE/PE package required?</p>
<p><i>No new application and fee is required. (Subcommittee – 1)</i></p>
<p>How many times can a permit be extended?</p>
<p><i>One time. (Subcommittee – 1)</i></p>
<p>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?</p>
<p><i>Yes. (Subcommittee – 2)</i></p>
<p>Is a letter of approval from the design OSE/PE required before the extension is granted?</p>
<p><i>No. (Subcommittee – 2)</i></p>
<p>Does the term "new certifications" mean a new application and new fee is required?</p>
<p><i>Yes. This item is intended to clarify that certain requests to revalidate an expired permit cannot be granted and will require a new application and fee. An example would be when the applicant is proposing to increase the number of bedrooms from what was allowed under the expired permit. (Subcommittee – 1)</i></p>

### C. Design Changes

<p>Can documentation of design changes be submitted with the completion statement?</p>
<p><i>Yes. (Subcommittee – 2)</i></p>
<p>Did VDH consider the additional cost to applicants when requiring a new application and fee to move a well?</p>
<p><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></p>
<p>Is a new well permit application required or is a combined permit application required to approve a well site?</p>
<p><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></p>
<p>Can a designer propose multiple well sites/areas on one permit? If so, can the different areas be for different well classes?</p>
<p><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.</i></p>

**(Subcommittee – 2)**

**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?

*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)**

**Part IV: Final Inspections**

**A. General Requirements and Expectations:**

Are VDH staff now expected to inspect all private wells on private OSE/PE designs?

*That expectation existed prior to this policy (see the PWR Implementation Manual). The policy creates a new expectation that the private OSE/PE will also perform an inspection.*

**(Subcommittee – 1)**

Does the 10% Level II construction inspections mean 10% of each individual OSE/PE’s submissions or 10% of all OSE/PE submissions combined?

*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)**

Where is the authority for VDH construction inspection of OSE permits?

*Va. Code Section 32.1-164.1.E states: “Whenever a construction permit has been issued pursuant to an evaluation and design certified by a licensed professional engineer or onsite soil evaluator, the certifying licensed professional engineer or onsite soil evaluator shall inspect that system at the time of installation and provide an inspection report to the Department. **The Department may, but is not required to, inspect the installation of such onsite sewage system.**”*

*[emphasis added]* **(Subcommittee – 1)**

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 “expected” to perform a final inspection of the well.

*These situations should be handled on a case-by-case basis.* **(Subcommittee – 2)**

Can the well drillers be required to do an as-built to alleviate the need for the OSE/PE to perform an inspection?

*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)**

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)?

*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)*

Is the Level 2 construction inspection more for reviewing the contractors work or the OSEs work?

*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)**

Who is responsible for contacting VDH for the Level 2 construction inspection?

*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)*

If VDH comes out to perform a Level 2 inspection does all liability go to VDH?

*Staff should adhere to policy and regulation to avoid concerns about liability. (Subcommittee – 2)*

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?

*Staff will inspect all visible components of the system, location, and record installation observations. (Subcommittee – 2)*

**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?

*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

Are private sectors designers required to use the forms attached to GMP 2015-01?

*Many private OSEs/PEs use their individual forms that provide the same information, which is acceptable. (Subcommittee – 1)*

Can private OSE/PEs adopt the new form templates into our design package programs?

*Yes. If you would like a copy of the forms in Word format rather than PDF, please contact Lance Gregory at [lance.gregory@vdh.virginia.gov](mailto:lance.gregory@vdh.virginia.gov). (Subcommittee – 1)*

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 11: Request for Survey Waiver

Is this form just used by VDH staff or do OSE/PEs use this as well when clients do not want or cannot afford to survey?

*This form is used for any application where the owner is requesting a survey waiver, whether bare application or with supporting work from an OSE/PE. (Subcommittee – 1)*

Form 12: Verification of Sewage System Location

When would the “Verification of Sewage System Location” be used?

*Any time that a survey waiver is granted, the owner must submit a signed “Verification of Sewage System Location” form before they can receive an operation permit. (Subcommittee – 1)*

Does this form allow the owner to get an operations permit without an inspection report from the OSE/PE or completion statement from the installer?

*No. (Subcommittee – 1)*

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)*

**VDH FAQ:** Are there plans to update VENIS's malfunction assessment?

*Yes. (Subcommittee – 1)*

**VDH FAQ:** Does VDH staff need to fill out the form for bare application repair permits?

*Yes, and then enter that information into VENIS. (Subcommittee – 1)*

Are AOSS operators required to fill out this form when they are servicing an AOSS system and repairs are needed?

*No, operators would capture this type of information in their O&M report. (Subcommittee – 1)*

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)*