

Virginia Department of Health (VDH)
Sewage Handling and Disposal Advisory Committee (SHADAC)
September 30, 2016

Meeting Location:

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

List of Attendees:

SHADAC Members

Bill Sledjeski – Virginia Association of Professional Soil Scientist
Curtis Moore- Virginia Onsite Wastewater Recycling Association
Sean McGuigan – Manufacturers
Alan Brewer – Virginia Association of Counties
Mike Lynn – Home Builders Association of Virginia
Laura Farley – Virginia Association of Realtors
Dwayne Roadcap – VDH

VDH Staff and Members of the Public

Lance Gregory – VDH Morgan Kash Trisha Henshaw David Hogan

Section 12VAC5-610-50 of the Sewage Handling and Disposal Regulations states that the SHADAC shall establish its rules of order. On November 7, 2008, the SHADAC adopted rules which require at least eight voting members of the committee to be present for a quorum. Less than eight voting members of the SHADAC were present. Therefore, the meeting could not officially be called to order to conduct the business of the SHADAC.

Mr. Gregory walked through the draft HB 558 plan starting with an overview of the timeline and comments received on the draft plan to date. Mr. Gregory then asked for feedback from those present at the meeting; however, the committee member could not make motions or provide specific recommendation on behalf of the SHADAC. Feedback and discussion on the draft plan included:

- Plan needs to specific that VDH vision and support for an orderly transition of services, with a future focus on reviewing plans, conducting inspections, and taking enforcement actions.
- Need to have internal support from local health department staff for the plan just as much as the private sector.

- The plan should outline a strategy for how resources will be redirected when VDH no longer provides direct services.
- The plan should point out areas where VDH is not meeting requirements under the Code (i.e. AOSS O&M reporting and enforcement).
- Need to add that some recommendations are protecting the Commonwealth and private investment (i.e. sewage systems and private wells).
- The draft seems to be focused on the difference in revenue, but no discussion in the cost savings for not providing the service and being able to reallocate that time.
- If this were the public service world, you'd just raise the rate to pay for repairs. If you received just pennies from sewage dump fees you could pay for a repair fund.
- VDH should use the Department of Environmental Quality's Petroleum Program as an example for setting up the repair fund.
- If you have a VDH inspector on site then the private sector doesn't have control over the installation.
- Should have something in the plan that the administrative details will ensure that the VDH inspection will not impact timeliness of inspections.
- Using the federal poverty guidelines may not be the best way to determine need; area median income may be fairer.
- Determining income eligibility may be a resource issue for some local health departments.
- Would be helpful to clarify that the proposed statewide five year pump out program would be administered by VDH.
- Need to be clearer that VDH will need more feedback on the 100% inspection process, similar to the hardship determination.
- Could the conflict resolution section also talk about resolving disputes between VDH and the private sector?
- It is very hard to regulate ethics.
- Revising the certification statement makes you think about whether you're doing your job.
- Does there need to be a stronger tie into the DPOR requirements for the changes to the certification statement.
- How are the changes to the certification statement requirement going to be enforced?
- The executive summary needs to clarify that accommodations for underserved areas are covered in the hardship discussion.
- Would help to say in the report that expectations for well driller evaluations would be the same as for private onsite soil evaluators and that a group will be put together to develop the process.
- Some seem to think that starting the reduction of services as 400% of the federal poverty level is excessive; 200% seems more appropriate.

- Critically important that VDH can meet the commitments made in the plan.
- Perform Level II reviews based on risk rather than a 10%.
- Regarding the five year pump out should not be an option for “or” inspection, should be a pump-out “and” inspection.
- The five year pump out program would be a heavy lift for VDH to administer. It would likely become a voluntary program.
- Think it would be a huge first step just to get reporting for COSS.
- Need to include the federal poverty guideline chart in the report.

**Virginia Department of Health
Sewage Handling and Disposal Advisory Committee (SHADAC) Meeting
Tentative Agenda**

Date: September 30, 2016
Time: 10 am to 2:00 pm
Primary Location: James Madison Building
5th Floor Main Conference Room
109 Governor Street
Richmond, Virginia 23219

Administrative (15 minutes)

1. Welcome. (5 minutes)
2. Travel reimbursements. (5 minutes)
3. Approve agenda. (5 minutes)

Public Comment Period (1 hour)

Old Business (165 minutes)

1. HB 558: Draft plan overview. (15 minutes)
2. HB 558: Listing discussion topics and issues. (20 minutes)
3. HB 558: Prioritize discussion topics and issues. (10 minutes)
4. HB 558: Discuss plan based on prioritization of topics and issues.

Adjourn

Table 1: Draft Recommendations

Draft Recommendation	Agency Resources	Economic Impacts: Agency and Stakeholder	Additional Information
Transparency of Cost			
7/1/17: Modify OSE/PE certification statement to verify discussion of options.	Low impact.	Low impact.	Pg. 14 Appendix A Interim Report 3
7/1/17: Modify OSE/PE certification statement to verify discussion of cost.	Low impact.	Low impact.	Pg. 14-15 Appendix B Interim Report 3
No later than 7/1/18: Develop a process for a public body to arbitrate disputes regarding designs, warranties, and installations of OSS and private wells.	May require additional resources to facilitate public body meetings.	Could decrease impact on stakeholders by providing alternative to civil court.	Pg. 15 Interim Report 3
Consumer Disclosure			
7/1/17: Modify OSE/PE certification statement to verify discussion of options.	Low impact.	Low impact.	Pg. 15-16 Appendix A Interim Report 1
Dispute Resolution			
No later than 7/1/18: Develop a process for a public body to arbitrate disputes regarding designs, warranties, and installations of OSS and private wells.	May require additional resources to facilitate public body meetings.	Could decrease impact on stakeholders by providing alternative to civil court.	Pg. 16 Interim Report 3
Range of Cost			
See summary of questionnaire responses; interim report 1.	n/a	n/a	Pg. 17 Interim Report 1
Final Transition Date			
The final transition date will be based on the implementation of all other components of the HB 558 plan.	n/a	n/a	Pg. 18 Interim Report 3
Transitional Timeline			
See timeline.	n/a	n/a	Pg. 18-19 Interim Report 3

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Draft Recommendation	Agency Resources	Economic Impact: Agency and Stakeholder	Additional Information
Incremental Timeline			
VDH will continue requiring subdivision reviews to include private sector evaluations.	No impact.	No impact.	Pg. 20 Appendix C Interim Report 1
7/1/17: Eliminate direct services for certification letters statewide.	Decreases resource needs to provide evaluations. Increases resource needs for Level I/II reviews.	Reduces agency revenue. Increases cost for property owners. Increases business for private sector.	Pg. 20-21 Appendix D Appendix E Interim Report 1
No later than 7/1/17: Allow transfer of active permits to new property owners.	Decreases resource needs for processing applications.	Reduces agency revenue. Reduces cost for property owners.	Pg. 20-21 Interim Report 1
7/1/17: Eliminate direct services for voluntary upgrades statewide.	Decreases resource needs to provide evaluations and designs. Increases resources needs for Level I/II reviews.	Increases cost for property owners. Increases business for private sector.	Pg. 21-22 Appendix F Interim Report 1
7/1/17: Expand the definition of maintenance for OSS.	Decreases resource needs for processing applications.	Reduces cost for property owners to install simple repairs and voluntary upgrades.	Pg. 22 Appendix G Interim Report 1
7/1/17: Require applicants to petition VDH for bare application repair evaluation and design services.	Low impact.	Low impact.	Pg. 22-23 Appendix H Interim Report 1
No later than 7/1/18: Develop guidelines for determining hardship in obtaining private sector services for repairs.	Low impact.	Low impact; however, guidelines may reduce cost for property owners when private sector services cannot be obtained in a timely manner.	Pg. 28 Appendix R Interim Report 1
7/1/18: Require means testing for repair evaluation and design services. Income eligibility will be decreased annually for two year. 7/1/20: Owners only receive repair evaluation and design services if i) the repair fund is not fully funded and they are eligible for the repair fund, or ii) they demonstrate a hardship in obtaining private sector services.	Decreases demand on resources to provide site evaluations and designs. Increases demand on resources to provide Level I/II reviews. Increases resource to conduct eligibility reviews.	Increases cost for ineligible property owners. Increases business for private sector.	Pg. 23-24 Appendix I Interim Report 1

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Draft Recommendation	Agency Resources	Economic Impact: Agency and Stakeholder	Additional Information
Incremental Timeline			
7/1/18: Require owners requesting repair bare application evaluation and design services that do not meet the income eligibility criteria to demonstrate a hardship in obtaining private sector services.	Decreases demand on resources to provide site evaluations and designs. Increases demand on resources to provide Level I/II reviews. Increases resource needs for evaluating hardship.	Increases cost for ineligible property owners. Increases business for private sector.	Pg. 23-24 Appendix I Interim Report 1
7/1/17: Require applicants to petition VDH for bare application new construction evaluation and design services.	Low impact.	Low impact.	Pg. 24-26 Appendix J Interim Report 1
7/1/17: Eliminate direct services for new construction not intended as a principle place of residence statewide.	Decreases demand on resources to provide site evaluations. Increases demand on resources to provide Level I/II reviews.	Reduces agency revenue. Increases cost for applicable property owners. Increases business for private sector.	Pg. 24-26 Appendix K Appendix L Interim Report 1
No later than 7/1/18: Develop guidelines for determining hardship in obtaining private sector new construction services.	Low impact.	Low impact; however, guidelines may reduce cost for property owners when private sector services cannot be obtained in a timely manner.	Pg. 28 Appendix R Interim Report 1
7/1/18: Require means testing for new construction evaluation and design services. Income eligibility will be decreased annually for four year. 7/1/22: Owners only receive new construction evaluation and design services if they demonstrate a hardship in obtaining private sector services.	Decreases demand on resources to provide site evaluations and designs. Increases demand on resources to provide Level I/II reviews. Increases resources to conduct eligibility reviews.	Reduces agency revenue. Increases cost for ineligible property owners. Increases business for private sector.	Pg. 24-26 Appendix M Appendix N Interim Report 1
7/1/18 to 6/30/22: Require owners requesting new construction bare application evaluation and design services that do not meet the income eligibility criteria to demonstrate a hardship in obtaining private services.	Decreases demand on resources to provide site evaluations and designs. Increases demand on resources to provide Level I/II reviews. Increases resource needs for evaluating hardship.	Reduces agency revenue. Increases cost for ineligible property owners. Increases business for private sector.	Pg. 24-26 Appendix M Appendix N Interim Report 1

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Draft Recommendation	Agency Resources	Economic Impact: Agency and Stakeholder	Additional Information
Incremental Timeline			
Accept evaluations and designs from well drillers for private well construction and abandonment.	Decreases demand on resources to provide site evaluations. Increases demand on resources to provide Level I/II reviews.	May reduce cost to property owners for private sector well only evaluations. Increases business for private sector.	Pg. 25-26 Appendix O Interim Report 1
7/1/17: Require applicants to petition VDH for bare application SAP evaluation services.	Low impact.	Low impact.	Pg. 27-28 Appendix P Interim Report 1
No later than 7/1/18: Develop guidelines for determining hardship in obtaining private sector SAP evaluation services.	Low impact.	Low impact; however, guidelines may reduce cost for property owners when private sector services cannot be obtained in a timely manner.	Pg. 28 Appendix R Interim Report 1
7/1/18: Require means testing for SAP evaluation services. Income eligibility will be decreased annually for four year. 7/1/22: Owners only receive SAP evaluation services if they demonstrate a hardship in obtaining private sector services.	Decreases demand on resources to provide site evaluations and designs. Increases demand on resources to provide Level I/II reviews. Increases resources to conduct eligibility reviews.	Increases cost for ineligible property owners. Increases business for private sector.	Pg. 27-28 Appendix Q Interim Report 1
7/1/18 to 6/30/22: Require owners requesting bare application SAP evaluation services that do not meet the income eligibility criteria to demonstrate a hardship in obtaining private sector services.	Decreases demand on resources to provide site evaluations and designs. Increases demand on resources to provide Level I/II reviews. Increases resource needs for evaluating hardship.	Increases cost for ineligible property owners. Increases business for private sector service providers.	Pg. 27-28 Appendix Q Interim Report 1
Local Transitions			
No later than 7/1/18: Develop guidelines for determining hardship in obtaining private sector services.	Low impact.	Low impact; however, guidelines may reduce cost for property owners when private sector services cannot be obtained in a timely manner.	Pg. 28 Appendix R Interim Report 1

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Draft Recommendation	Agency Resources	Economic Impact: Agency and Stakeholder	Additional Information
Fee Change			
7/1/18: Create fees for OSS repair applications consistent with new construction applications; fee is waived for property owners below that are eligible for the repair fund.	Increases resources to conduct eligibility reviews.	Revenue offsets a portion of losses. Increases cost for ineligible property owners.	Pg. 29-30 Appendix S Appendix T Interim Report 2
7/1/18: Create fees for OSS voluntary upgrade applications consistent with new construction applications; fee is waived pursuant to eligibility in the Fee Regulations.	Increases resources to conduct eligibility reviews.	Revenue offsets a portion of losses. Increases cost for ineligible property owners.	Pg. 29-30 Appendix U Appendix V Interim Report 2
Services in Underserved Areas			
No later than 7/1/18: Develop guidelines for determining hardship in obtaining private sector services.	Low impact.	Low impact; however, guidelines may reduce cost for property owners when private sector services cannot be obtained in a timely manner.	Pg. 30 Appendix R Interim Report 1
Review Procedures			
Continue to perform a Level I review of all site evaluations and designs.	No impact.	No impact.	Pg. 31, 34-35 Interim Report 3
Continue to perform a Level II review of at least 10% of submittal with supporting work from the private sector.	No impact.	No impact.	Pg. 31, 34-35 Interim Report 3
Continue to provide notice to the applicant and private sector designer prior to conducting a Level II review.	No impact.	No impact.	Pg. 31, 34-35 Interim Report 3
No later than 7/1/18: VDH inspects all OSS and private wells.	Increases resource needs to conduct inspections.	Low impact.	Pg. 31, 34-35 Interim Report 3
Program Improvements			
Continue providing the opportunity for applicants and private sector service providers to request a courtesy review.	No impact.	No impact.	Pg. 32 Interim Report 3

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Draft Recommendation	Agency Resources	Economic Impact: Agency and Stakeholder	Additional Information
Program Improvements			
No later than 7/1/17: Allow the transfer of OSS and private well construction permits to new property owners.	Decreases resource needs for processing applications.	Reduces agency revenue. Reduces cost for property owners.	Pg. 32-34 Interim Report 3
No later than 7/1/18: VDH inspects all OSS and private well installations.	Increases resource needs to conduct inspections.	Low impact.	Pg. 32-34 Interim Report 3
Require an initial operational inspection for both COSS and AOSS 180 days after the operation permit is issued.	Increases resource needs to review inspection reports.	Increases cost for property owners. Increases business for private sector.	Pg. 32-34 Interim Report 3
Require operators to report all inspections and maintenance activities for COSS to VDH using a web-based reporting system.	Increases resource needs to review inspection and maintenance activities.	Increases cost for private sector service providers. May reduce cost for localities current expending resources to collect data.	Pg. 32-34, 35-36, 38-39, 40 Appendix X Interim Report 3
No later than 7/1/18: Require a malfunction assessment be submitted to VDH as part of the application process for all repair and voluntary upgrade permits.	Increases resource needs to review assessments.	Increases cost for private sector service providers for voluntary upgrades.	Pg. 32-34, 37, 38 Interim Report 3
No later than 7/1/18: Develop malfunction assessment guidelines and forms.	Low impact.	Low impact.	Pg. 32-34, 37, 38 Interim Report 3
Expand web-based data efforts to including accepting applications and payments for services online, and make OSS and private well record available online.	Reduces resource needs for data entry and responding to FOIA request.	Reduces FOIA cost for the private sector and the general public.	Pg. 35-36 Interim Report 3
Expand efforts to create a complete electronic record for permitted OSS and private wells.	Short-term, increases resource needs to enter historical data. Long-term, decreases resource needs to respond to FOIA request.	Low impact.	Pg. 35-36 Interim Report 3
Update the Onsite Quality Assurance manual.	Low impact.	Low impact.	Pg. 36 Interim Report 3

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Draft Recommendation	Agency Resources	Economic Impact: Agency and Stakeholder	Additional Information
Program Improvements			
7/1/17: Expand the definition of maintenance to streamline the process for simple repairs and voluntary upgrades.	Decreases resource needs for processing applications.	Reduces cost for property owners to install simple repairs and voluntary upgrades.	Pg. 37, 38 Appendix G Interim Report 3
Implement specific procedures for tracking enforcement actions.	Low impact.	Low impact.	Pg. 37, 38 Interim Report 3
Expand efforts to educate the public regarding OSS and private wells.	Increases resource needs to provide education.	Long-term, improved education may save owners money on system repairs.	Pg. 39 Interim Report 3
Expand the pump-out/inspection requirements of the CBPADMR to all OSS statewide.	Increases resource needs to review inspection reports and enforce pump out requirement.	Short-term, increases O&M cost for property owners. Long-term, may decrease cost of system repairs for property owners. Increases business for private sector. Assist the Commonwealth and localities with meeting Chesapeake Bay WIP goals.	Pg. 32-34, 40 Appendix Y Interim Report 3
Expand effort to incorporate OSS and private wells into community health assessments.	Increases resource needs to conduct community health assessments.	Long-term, improves decision making at a state, local, and community level.	Pg. 39 Interim Report 3
Repair Funding			
Cover cost of private sector evaluation and design services, system installation, and five years of sampling and O&M for qualifying property owners.	If administered by VDH, increases resource need to process request for assistance.	Reduces cost of system installations for eligible property owners. Other impacts to be determined.	Pg. 41 Interim Report 2

Virginia Department of Health
Comments Received Regarding Draft HB 558 Reports
September 28, 2016

The following is a collection of comments received by VDH and the SHADAC from various stakeholders regarding draft HB 558 interim reports and the draft HB 558 plan.

General

- Should the SHADAC consider these issues and make a recommendation to the Commissioner?
- VDH should acknowledge in the report there is a conflict of interest when VDH is the evaluator, designer, permit issuer, inspector, and regulator.
- Don't believe VDH has any legitimate interest influencing scope of practice, standards of practice, standard of care, managing the training and supply of OSE, competing in the market, or subsidized services.
- The area footprint reduction is absurd. The AOSS designs for small lot subdivisions should be considerably more conservative than larger isolated parcels. DEQ wants a four foot offset to water table to infiltrate rainwater and VDH regulations allow direct dispersal into the groundwater of partially treated human waste.
- Concerning waivers or variances to install repair systems with septic effluent when treated effluent is required by the regulations. Designing systems outside of the regulations is a conflict of interest, compromised the integrity of the public health, and subsidizes pollution to avoid the cost of hiring a private sector consultant.
- The 50% reduction of nitrogen requirement for AOSS in the Chesapeake Bay will never satisfy the goal of reducing nitrogen from onsite sewage systems.
- Overarching authority or pragmatic goals increased the costs of designs, permitting, construction, and O&M and created a prejudice against advanced treatment systems.
- The draft plan presents a conceptually radical vision for the onsite industry and a vision that is almost unrecognizable to Virginia's regulatory and statutory framework.
- The draft plan does not disclose bias in the plan.
- The draft plan does not remove VDH bias and conflict of interest.
- Is the whole issue of shifting away from direct service delivery about \$620,000 in lost application fee revenue?
- Believe VDH's current business model is operating in violation of Federal and State statutes.
- The report has not reported the level of funding required for performing design/engineering services.
- Some of the data in interim reports does not match local data.
- July 1, 2017 timeframes are unrealistic.
- Explain why the proposed changes are preferred even though they require legislative/regulatory/policy changes, and how the proposals addresses serving the business's needs or protecting the public health.
- Current training is focused on producing licensed COSEs.
- Is OSS a standard acronym for onsite sewage systems?
- Need to clearly define "malfunctioning systems".

- Need to make sure that local agreements do not include services that VDH is transitioning out of providing.
- Put Table 1 in order by date rather than by category.
- VDH needs to be looking at good and right data. Some stakeholders feel the data VDH is using is not accurate or that VDH is skewing the data.
- Should cross reference data with local log books to ensure that data is accurate.
- May be issues with data entry more so that data analysis.
- If there is any part of this process resulting in VDH employees continuing to provide direct services in some form or fashion, does that change how those offices have to be staffed? Do the KSA's change? Does it really get VDH to their goal of providing regulatory enforcement?
- The regulations have been watered down to lower the bar for designers.
- There is a perception that public opinion doesn't matter in this process.

Consumer Protection

- DPOR license should include responsibility of design for specified timeframe.
- OSEs and PEs needs to be required to provide property owners with a written contract. The Board of contractors has specific requirements (18-VAC-50-220-260.B.9 a-j) which create obligations for every contractor. Consumers need something more than a verbal discussion between the OSE or PE and the owner. Needs to be more responsibility imposed.
- The proposed modifications to the certification statement puts the designers in a position that they don't have all the information; don't know if designers are qualified to discuss installation and O&M cost. Rather than have them certify that they have discussed cost, have a check box that they did or did not.
- Could we come up with one disclosure sheet for everyone?
- VDH needs to conduct a full resource assessment.
- Are engineers required to provide a certification statement; is a statutory requirement necessary?
- Take information out of charts for work that VDH cannot provide today anyway (e.g. AOSS designs).
- The questionnaire sent to OSEs and PES asked leading, poorly phrased, confusing and vague questions, without correlation to evaluating the work required, or economic impact, and failing to understand the exchange of services for value.
- Need to eliminate the ability to wear multiple hats on the same job.
- People should not be allowed to hold all three licenses (designer, installer, operator) at the same time.
- Should require a Level II of any lot with a previous site denial.
- Should require private sector providers to carry a set amount a liability insurance.
- Need an ethics board at DPOR for private sector providers.

Transitional Planning

- VDH should automatically remove itself entirely and immediately from the evaluation and design business regardless of what business model the state is used too. Anything short of this is unacceptable.

- VDH should outline in the HB 558 report how it will contract these services to a non-VDH OSE or PE to make a complete break immediately. Even phase in of underserved areas, hardship or impoverished should be handled like this.
- The design market can be served by the existing OSE/PE population. We used to perform 32,000 evaluations/year; 14,000 current evaluations/266 OSE/PE = 52 evaluation per year, one per week.
- Application numbers would further decrease if more repairs were deemed maintenance, justifying a quick clean break in VDH providing direct services.
- VDH should challenge DPOR/APELSCIDLA board for further limiting the scope of AOSE work and advocate for a return to joint AOSE/PE applications when only certain components of the design require a PE under the exemption. Failure to do this drives costs for services up unnecessarily and is of no benefit to the consumer, human health or the environment.
- What is the public benefit for VDH providing professional services at any multiple of the federal poverty income?
- Discussion on underserved areas is not comprehensive, additional areas need to be included.
- Allowing transfer of permits will have a significant impact on certain districts.
- Charging a fee for repairs will lead to more illegal system installations; issue not discussed in report.
- Use a sliding scale for fees or increase fees for VDH services.
- Make permit transfers a minor modification.
- Charge a fee for courtesy reviews.
- Should not allow well drillers to provide evaluations.
- Allow professional geologist to provide private well evaluations.
- Concerned about getting replacement systems turned around quickly.
- Modify the graphs to show the total number of applications along with how many were bare applications.
- It will be an uphill battle to get new fees.
- Consider making the repair fee \$425 for bare applications until all work is shifted to the private sector.
- Use a sliding scale for fees at a regional level.
- VDH should not charge a fee for repairs; those services should be supported by general funds.
- Allowing localities to opt in or opt out of the privatization process in rural areas could allow some movement of private sector into those areas.

Internal Procedures

- There will be a significant increase in resources necessary to conduct income eligibility review.
- Don't have staff to perform 100% inspections.
- Operational inspection should be done by licensed operators.
- COSS O&M reporting creates additional enforcement burden, but will help the program.
- Won't be able to do 10% Level II's without additional staff.
- Need best practice manual for analysis of failing systems, minimum design criteria for 32.1-163.6 designs, and KSAT manual.

- Need to properly describe Level I reviews.
- How would post grading inspections be enforced, how do you make them have the inspection completed. Resources would be better spent on minor repairs.
- Malfunction assessments, assume that is for fields that fail, not minor repairs and upgrades.
- A lot of push back in localities that currently require the 5-year pump out requirement; conventional operators are not reporting. Requires a lot of resources at the local health department.
- Installers have concerns that a dual inspection process could create conflicts.
- VDH has a responsibility to approve system installations if the private sector designers are not required to be there.
- Will VDH inspect systems independently?
- Will VDH enforce the design criteria as part of their inspection?
- Really think that the private sector designer needs to inspect the system.
- Could make third party inspections an option and VDH wouldn't be involved in the inspection; having VDH perform an inspection is redundant.
- Need to better define what EHS will be doing once direct services are shifted to the private sector.
- The malfunction assessment is not useful.
- Don't like the public body providing dispute resolution. Need to change tort law to allow owners to sue the private sector provider directly.
- If you expand the definition of maintenance then you need to expand the contractor's license at DPOR to allow that work.

Repair Funding

- There will be an increased cost to LHDs to assist with the repair fund; facilitating funding.
- Might be accomplished by using revolving loan funds.
- The funding sources is not specified.
- Additional fees could be used to seek the repair fund.
- Need to better illustrate the need for a repair fund, such as improvements associated with the Chesapeake Bay TMDL.