Final Minutes
Sewage Handling and Disposal/Authorized Onsite Soil Evaluator
Advisory Committee Meeting
May 16, 2008

The Sewage Handling and Disposal Advisory Committee met on Friday, May 16, 2008, at the James Madison Building, Main Floor Conference Room in Richmond. In anticipation of the AOSE program moving to DPOR, the AOSE committee members have been invited to attend as visitors and bring issues up within the Sewage Handling and Disposal Advisory Committee.

The following committee members were present: Tom Basham, Chairman, Don Alexander, Marcia Degen, James Hall, John Harper, Bill Keeling, V'lent Lassiter, Robert Lee, Curtis Moore (sitting in for Mike Lynn, VOWRA), Joel Pinnix, Pam Pruett, Bill Timmins and Robert Wadsworth. Donna Tiller was also present as Secretary to the Committee.

The following video conferencing sites were connected: Three Rivers Health District, Piedmont Health District and Loudoun Health District.

The following visitors were present: John Aulbach, David Tiller, Allen Knapp, Jim Bowles, Dwayne Roadcap, Anish Jantrania and Bob Hicks, OEHS; Neal Spiers, Spiers Soil & VAPSS; Rob Chapman, Bord na Mona; Rick Blackwell, VSPE; Bob Mayer and Tom Ashton, American Manufacturing; Adam Herman, Adam's Septic; Jason Hackler, Andrew Carter and John Ewing, ESVA; J.T. Frazier, Frazier Consultants; and Jim Howes, VAMAC, Inc.

The meeting was called to order at 10:00 am.

Tom started the meeting by introducing Rob Suydam's replacement, R. V'lent Lassister to serve as representative for the Chesapeake Bay Local Assistance Department.

Motion was made by John Harper to approve the Agenda, Bob Lee, seconded. No opposed. Agenda approved. Tom Basham then took this opportunity to announce if anyone had future agenda items to send them to him and/or Don Alexander.

After one correction on the spelling of Marcia Degen's last name, Marcia made the motion to approve minutes from the December 14, 2007 meeting. Curtis Moore seconded. No opposed. Minutes approved.

Tom Basham announced that Pam Pruett would be assisting in the minutes on the draft sewage regulation review discussion. It was noted that she would be better suited to reflect the committee's comments and suggestions as well as the technical issues associated with the changes.

<u>Under Old Business:</u>

Don Alexander gave an update on the lysimeter and gave a handout from Dr. Reneau on recent studies. Dr. Reneau determined that the 1.0 bar lysimeter was not appropriate for sampling for fecal coliforms (FC). He noted that Virginia Tech had successfully used the 0.5 bar

lysimeter to collect fecal coliform samples. The group then discussed the impact this had on the field test results for the Orenco and Premier Tech systems tested using the 1.0 bar lysimeters. Mr. Pinnix questioned whether the approvals should be rescinded because in his opinion the approvals were arbitrary, capricious and onerous. He indicated he did not believe FC could be monitored in soils surrounding effluent dispersal systems and he recommended end of pipe testing in the future. Mr. Pinnix asked what the Department intended to do with this information and specifically wanted to know if VD would be rescinding the approvals already granted. Mr. Alexander stated that VDH did not intend to rescind the approvals based on this information, since the approvals were based on more than just these data; however, the Department did not intend to use the 1.0 bar lysimeters in future testing. Mr. Basham pointed out that the Department reviews proposals from companies to review technology and that the 1.0 bar lysimeters were not used as a VDH initiative. Alexander confirmed this by noting Orenco recommended using the 1.0 bar lysimeter based on discussions with Virginia Tech prior to initiating the evaluation and Premier Tech appeared to rely on Orenco's methodology. No motions were made during this dsicussion

The discussion moved on to secondary and advanced secondary effluent as well as performance issues and the need to test random systems. This discussion then moved on to a presentation by Alexander on the GMP revisions being done and mailed out; this being GMPs 112.A, 114.A and 118.A and the newest GMPs 144 and 145. A discussion on these ensued, led principally by Pinnix who felt the Department is obliged to bring all policies before the Committee and receive a recommendation prior to adopting any new or revised policy. Mr. Basham reminded Pinnix that the committee had reviewed the documents twice and VDH had received comments on the proposed policy revisions, which were incorporated into the documents. Mr. Pinnix reiterated his position indicating he felt the process was flawed and the department's actions were a slap in the face to the committee members. No technical comments or recommendations were made to amend the policies.

Under New Business:

Carl Perry was introduced to give his presentation on EZ Treat Treatment System for the Committee's recommendation for approval. When Mr. Perry was finished presenting Mr. Basham asked for the Department's comments and review which was made by Mr. Aulbach. Mr. Aulbach explained that a GMP #33 like approval was inappropriate and the Department was supportive of approving the product as a secondary treatment device or as an experimental system akin to GMPs 144 or 145, with a reduced footprint. There was discussion, questions and answers from the committee. Joel Pinnix then made the motion to grant EZ Set general approval with footprint reduction like the other GMPs. Bob Lee seconded. There were 4 in favor; 4 opposed and 4 abstained. There was more discussion by the group on Mr. Perry's product and Mr. Perry stated he wants the reduction; there was more discussion on his product fitting into GMP 33. Another motion was made by Bob Lee to grant general approval for secondary effluent which does not include footprint reduction. Curtis Moore seconded. There were 9 in favor; none opposed and 1 abstained. Mr. Perry then stated this is not what he wanted based on the cost and time it takes, his company feels like it is not economically feasible.

- Allen Knapp with OEHS gave an update on the Sewage Regulations. Tom Basham recommended the group go through the document page by page and paragraph by paragraph

to review and discuss the proposed regulations. The group started with the Table of Contents, which Bob Lee stated was too long and needs to be broken down into smaller bits, like the SCAT regulations.

Allen Knapp noted that use of the term "*SWIS"* will be discontinued and will not be used in the regulations. "Sewage" or "Effluent" will be used.

Joel Pinnix asked if the *"Compliance Boundary"* is permanent water table. Further, he asked why the compliance boundary would have to be inside the property line. He wanted to know why we would care. Why not have the compliance boundary be the property line? It was stated that it is necessary because a standard is necessary. Bob Lee questioned how compliance with the boundary would be determined—end of pipe testing? He stated that in some areas the compliance boundary cannot exceed the metes and bounds of the soil evaluation area—length, width, or depth. How would one monitor at the compliance boundary? JT Frazier (from the gallery of guests) stated that having the compliance boundary as the soil evaluation area would require additional work by AOSE's and/or PE's for system design. Joel Pinnix asked how testing of the compliance boundary could be conducted. Allen Knapp stated that he felt the bulk of system designs would be prescriptive—the boundary is a theoretical term. Marcia Degen agreed that the boundary is theoretical. Allen added that the designers would/could set the boundaries for performance based systems. Rick Blackwell had concerns about testing. Curtis Moore talked about the boundary being upper limit of the permanent water table. Bob Mayer (a guest in the gallery) indicated that some time ago, the abbreviation DMZ was coined, DMZ stands for Design Management Zone and is also meant to be the compliance zone. Joel Pinnix questioned why it is even necessary to have a compliance zone for prescriptive systems.

Curtis Moore indicated that a "*Complete Application*" needs to include subdivision applications. This definition needs attention.

Rick Blackwell indicated that he does not feel that systems with pumps are conventional systems. Joel Pinnix, Marcia Degen, & Pam Pruett responded that pump systems are defined as conventional in the codes. Tom indicated that a footnote would be appropriate to clarify the definition.

Curtis Moore requested that the term saprolite be stricken from the definition of "C_r". Pam Pruett concurred.

Joel Pinnix wanted to know where the definition of *Proprietary Pre-engineered Systems* is. He stated that whatever the definition is, it should be consistent with the code. Rick Blackwell stated he took offense to the term. Bob Lee highlighted the need to differentiate between *"Proprietary Pre-Engineered Systems"* and *"Proprietary Pre-Engineered Treatment Processes"*

A discussion ensued about deemed approval for conventional systems vs. systems with ATU's. Some localities are not abiding by the deemed approval requirement when system designs include ATU's. Per Allen & Don, this is not correct protocol.

Tom Basham stated he felt it is important that the definitions not be over simplified. *"Drip Dispersal"* was discussed and the importance of consistency with definitions elsewhere.

Joel Pinnix wanted to know what defines *small*—it was decided that it's all relative!

Allen Knapp indicated that the intent of the new definitions section is to line up the Sewage Regulation definitions with industry definitions as prepared by the Consortium of Institutes.

Rick Blackwell asked that the *"Dilution Area"* definition include up gradient area.

JT Frazier asked that "failed" be removed from the definition of "*Existing Construction"*. Curtis Moore commented that the definition is too narrow. He added that something should be included to allow for upgrade of existing septic systems.

Tom Basham discussed "*Grandfathered Lots"* and asked that the definition not be thrown out. Allen Knapp responded that there will be more options for design. The grandfather clause may fall under performance standards waiver.

JT Frazier questioned that if a site has a previously issued permit which has expired and the lot has been subdivided but portions of the site remain unchanged (i.e. the proposed septic system, etc), Does that fall under the Grandfather Clause? Yes, per Allen Knapp.

Curtis Moore and Tom Ashton (a guest in gallery) commented on the definition of *"Impervious Strata"*. It is defined as 120 mpi or higher. Both felt that the 120 mpi reference should be removed because 120 mpi does move water, just very slowly.

Joel Pinnix requested that gravity systems be revised to not include a distribution box. Puraflo absorption pads operate by gravity but do not have a distribution box. Curtis Moore request that the term *"Distribution Box"* be defined.

Joel Pinnix stated he had heartburn over the term *"Innovative Design"*. He feels *"Engineered System"* is a more appropriate term.

Don Alexander solicited input via e-mail for additional comments to the proposed definitions.

Rick Blackwell questioned the definition for "*Greywater"*. He feels greywater includes septic tank effluent. Most others did not agree. Further, he questioned what type of sewage water softener backwash/discharge is classified as. Most of the group did not agree that the backwash/discharge is sewage. The prescriptive portion of the new regulations will prohibit discharge of the backwash into treatment units.

John Harper commented on the definition of *"In Situ Soils"* vs. soils. He and Curtis Moore felt that this definition would allow for the use of fill materials (outside of Wisconsin Mounds and Sand on Sand).

The definition of *"Maintenance"* was discussed. Tom Basham was concerned about adjustment & controls. He wanted the definition elaborated to say "not to alter the permitted and approved operation" of the system. Bob Lee responded that an operator can alter the permitted & approved operation by code definition. Allen Knapp stated that the group should wait and revisit the definition after the regulation is written. Tom Basham and Joel Pinnix both questioned "What is maintenance vs. what is repair"?

Allen Knapp indicated that the definition for *"Mass Drainfields"* will change & it should be left alone for now. Joel Pinnix questioned how an acre is determined.

"Multiple Lot Certifications" was discussed. Curtis Moore requested that the definition be expanded to included single or contiguous multiple parcels.

Rick Blackwell indicated that the definition for *"Manufacturer"* is too narrow. He wants devices and components included.

Curtis Moore stated that the definition for *"New Construction"* needs to be expanded to include projects that fall under agricultural exemption, such as wineries and barns.

Curtis Moore also commented that the definition for *"On Site Sewage Disposal Systems"* needs to state "designed in accordance with the chapter".

Bob Lee and Tom Basham observed that there are 2 definitions in the proposal for *"Operate"*. One is a code definition, one is not. The difference appears to be item (i).

Rick Blackwell requested pretreatment be defined. Bob Lee responded that he did not agree with the because of the historical nature of the term. He felt that defining in terms of Blackwell's request would become too confusing.

Curtis Moore remarked the definition for *"Owner"* should reference either the property or the sewage disposal system. The definition for *"Person"* should also be aligned with the DPOR definition for the purpose of consistency..

Pam Pruett indicated that the definition of *"Point Source Discharge"* should be adopted from the DEQ permitting regulations.

Adam Herman, a gallery guest, commented on AOSE vs. EHS soils work & design package submissions. Bob Lee responded that an AOSE will have to sign off on Health Department soils work under the new DPOR regulations.

The definition for "*Residential Development—Mass Drainfield*" is all wrong per Joel Pinnix.

The group decided to move onto the next meeting agenda item and return to the "Residential Development" definition at the next meeting. The review of the proposed regulations will also resume at that time.

Don Alexander gave an update on the fee changes effective July 1, 2008. He gave out a one page fee schedule to everyone. Copy attached.

Meetings were set for the following dates in 2008:

June 13th
July 11th
August 8th
September 12th
October 3rd
November 7th
December 5th.

Tom Basham stated that since the AOSE Advisory Committee will be attending future meetings, we will move the meetings to the Main Floor if available, if not, the committee will meet in the Fifth Floor Conference Room. Tom Basham also stated that he would not be attending the July 11th and asked that Bob Lee sit in for him as Chairman.

Motion was made by Pam Pruett to adjourn. Marcia Degen seconded. No opposed. Meeting adjourned at 2:00 pm.

NOTICE
FEE INCREASE FOR SEWAGE DISPOSAL AND PRIVATE WELL APPLICATIONS
Effective July 1, 2008

Fees for sewage disposal and private well applications will increase on July 1, 2008. The new fees are intended to more closely reflect the cost to the Commonwealth for processing applications. The new fees are shown below.

Application fees will not be charged for applications to repair a failing sewage disposal system or to replace a private well. In addition, fees will be waived for applicants whose family income falls below the Federal Poverty Guidelines (proof of income is required).

Schedule of VDH Sewage and Private Well Application Fees
Effective July 1, 2008

Application Type	Fee
e construction permit application, no AOSE/PE documentation	392.50
e disposal certification letter, no AOSE/PE documentation	337.50
PE construction permit or certification letter, system <1,000 gpd	237.50
PE construction permit or certification letter, system ≥1,000 gpd	1,112.50
well construction permit	242.50
ned sewage and well construction permit application, no AOSE/PE documentation	635.00
plication Cert letter & well	337.50
ned AOSE sewage and well construction permit	480.00
cert letter & well	237.50
PE construction permit & well, System ≥1,000 gallons & well	1,355.00