

Virginia Department of Health (VDH)
Rainwater Harvesting and Reuse Regulation Stakeholder Workgroup
May 6, 2019, Meeting Minutes (DRAFT)

Meeting Location:

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

List of Attendees:

Anthony Creech – VDH, Office of Environmental Services
Tripp Perrin – Lindl Corporation (Call-in)
Robert Cooper – DEQ, Storm Water Management
Tyrone Jarvis – Go Green Automotive Care
Benjamin Sojka – Rainwater Management Solutions (Call-in)
Robert Edelman - VDH, Office of Drinking Water
Valerie Rourke– DEQ
Michael Redifor – Newport News Code Compliance
Skip Harper – DCHD (Call-in)
Jay Otto – Otto Sales (Call-in)

ADMINISTRATIVE AND INTRODUCTION

Minutes from 3/25/2019 Meeting. Because the draft minutes had not been distributed prior to the meeting, a vote to approve the minutes was postponed.

DRAFT REGULATION TEMPLATE

Mr. Creech shared a draft template for the proposed regulation (attachment A) for group discussion.

During discussion, the following additions were suggested:

- Add a section to address Relationship to Waterworks Regulations
- Consider appropriate language to address definitions for “human consumption” and “pure water” (as used in Waterworks and Private Well Regulations) in comparison to “potable” (as used in Unified Standard Building Code and Plumbing Code) in order to ensure clarity.
- Consider definitions for “plumbing system,” “potable,” “waterworks,”

Potable Use compared to Non-Potable Use

The workgroup members discussed the requirement in HJ641 (2019) that standards for the use of rainwater for human consumption be evaluated, in relationship to the responsibility under HB192

(2018) that the Board of Health develop regulations for rainwater reuse. Based on this discussion, Mr. Creech asked the group to consider whether it makes sense to take the position that the reuse of rainwater for non-potable uses is adequately addressed in existing regulation (DCHD, DEQ) and guidance (DEQ, VDH) and that therefore additional regulation of rainwater for non-potable use would be redundant and possibly confusing to the public. If so, the action of this workgroup may be better applied to solely focus on the development of regulations for use of rainwater for human consumption in systems that would not be classified as waterworks. The workgroup expressed consensus with this suggestion.

Specific reasoning in support of this approach included:

- This would provide avenue to improve public health by means of provision of an appropriate water supply for parts of Virginia where neither public water nor a reliable groundwater source is available (For example, Mr. Sojka indicated that potentially thousands of homes in parts of the Shenandoah Valley rely currently on storage tanks and hauled water). This in turn accords with the provision in HB192 (2018) that the Department of Health, “in conjunction with the Department of Environmental Quality, shall consider recognizing rainwater as an independent source of fresh water available for use by the residents of the Commonwealth.”
- Mr. Harper and Mr. Redifer reported that, due to recent modifications to the Unified Standard Building Code and the Plumbing Code, the Codes were “ready” for declaration of treated rainwater as an approved water supply source.

Potential concerns with a recommendation against the regulation of non-potable rainwater reuse include conflict with the requirements of 2018 HB192 (2018) that the Board of Health develop regulations, and that “the regulations shall also provide standards for the use of rainwater harvesting systems that collect water for use by commercial enterprises but do not provide water for human consumption, as defined by §32.1-167.” Accordingly, a proposal that the Board of Health develop regulations pertaining *only* to reuse of harvested rainwater for human consumption may necessitate a modification of §32.1-248.2 of the Code of Virginia. The Workgroup agreed that resolution expressed in HJ641 (2019) that the Department of Health evaluate, among other things, standards for the use of rainwater for human consumption, allows consideration for the proposed approach.

This consideration will be discussed in detail in the Department’s report to the General Assembly required by HJ641 (2019).

National Standards

The workgroup discussed specific challenges to regulation of rainwater for human consumption as related to the means to effectively ensure operation and maintenance requirements and water quality testing. Mr. Jarvis shared the American Rainwater Catchment Systems Association (ARCSA) Rainwater Harvesting Manual, which includes ARCSA/ASPE/ANSI 63-2013:

Rainwater Catchment Systems, for the workgroup's consideration as to the appropriateness of referencing either or both in a regulation (similar to the reference to the AWWA A100 Well Construction Standard in the Waterworks Regulations). These standards provide information which could serve as guidance to address water quality and system maintenance. Mr. Creech stated he would attempt to arrange for copies to be made available to the full workgroup.

Other Considerations

Mr. Creech reminded the workgroup that neither HB192 (2018) nor HJ641 (2019) includes provision of funding to support implementation of a regulation.

Mr. Creech noted that, depending on the framework of the regulation, coordination with DPOR should be considered with respect to definition of licensure/accreditation for those who provide professional service applicable to rainwater harvesting systems.

STEPS BEFORE THE NEXT MEETING OF THE STAKEHOLDER WORKGROUP

Mr. Harper will develop draft definitions and language for the Relationship to the USBC.

Mr. Edelman will develop draft definitions and language for the Relationship to Waterworks Regulations.

Mr. Jarvis will develop a framework for key design and installation requirements needed for rainwater harvesting systems.

Next Meeting: To be determined.

Attachment A: Proposed Template for Organization of Regulations

Attachment B: ARCSA/ASPE/ANSI 63-2013