

**Virginia Department of Health  
Chamber and Bundled Expanded Polystyrene  
Technical Advisory Committee (CBEP TAC)  
April 3, 2014 Meeting Summary**

**List of attendees at central location:**

Advisory Committee Members

Dave Lentz  
Damon Hunley

Cody Vigil  
Sandra Gentry

Brian Parker  
Joel Pinnix

VDH Staff and Guest

Lance Gregory  
Kate Nosbisch

Mark Courtney  
Todd Grubbs

Kristin Clay

**List of attendees at remote location:**

Advisory Committee Members

Jeff Walker

Scott Honaker

**Administrative**

Mr. Gregory stated that the expectations for the meeting are to:

- Address public comments with specific recommendations for revisions to regulatory language;
- Address TAC comments with specific recommendations for revisions to regulatory language;
- Discuss additional TAC comments and formulate specific recommendation for revisions to regulatory language; and
- Determine whether future TAC meetings are necessary.

**Current status of regulations and process moving forward.**

Mr. Gregory commented that the 30 day public comment on NOIRA has ended. The Board of Health (the Board) has 180 days to present a proposed regulation. There will be another 60 day public comment period on the proposed regulations. The Board will then have 180 days to present final regulations for review. There are additional opportunities for comments and TAC meetings prior to presenting the final regulations.

**Review public comments.**

Mr. Gregory walked through general concerns presented during public comment period and specific recommendations to amend regulatory language.

## **Review proposed regulations and address public comments.**

The TAC discussed a public comment from Mr. Bob Marshall regarding section 920 of the emergency regulations. Mr. Walker stated that he supported the proposed revision. There were no objections.

The TAC discussed another public comment from Mr. Marshall regarding section 930.F.2.e of the emergency regulations. Several members of the TAC commented that the proposed revision would be redundant, but agreed the term “wastewater” was more appropriate term than “sewage”, currently used in this section. Mr. Pinnix commented that wastewater is not defined in the Sewage Handling and Disposal Regulations (12VAC5-610, the Regulations), but the term is used throughout the Regulations.

The TAC discussed another public comment from Mr. Marshall regarding 930.F.2.f of the emergency regulations. Several members of the TAC commented that the proposed revision would be redundant with existing language. Mr. Walker commented that H-10 and H-20 loading is sufficient, and that are specific limitations should be described by the manufacture. Mr. Pinnix commented that the Regulations create a minimum standard, and that an H-10 load rating is a minimum standard.

The TAC then discussed a public comment from Mr. Karl Rudolph regarding section 930.F.7 of the emergency regulations; enhanced flow to open-bottom gravelless material. Mr. Gregory commented that the current language does appear to create an inconsistency depending upon whether enhance flow is required or specification of the designer. Mr. Pinnix suggested setting a maximum flow velocity. Mrs. Gentry suggested specifying what we are trying to avoid, erosion of the trench bottom, and allowing the approved product manual specify how that goal is accomplished. Mr. Pinnix commented that the Regulations are prescriptive language and need to set a minimum standard. Mr. Lentz suggested revising the language to require 10 feet of pipe, or an equivalent method for reducing flow velocity.

Mr. Walker commented that section 310 of the Regulations should be revised to specify that installers must be licensed.

The TAC discussed a public comment from Mr. James B. Slusser regarding section 930.F.8 of the emergency regulations. Mr. Slusser recommended that the term “certifying” be struck from this section. Mr. Walker suggested replacing “certifying” with “responsible”. Mr. Lentz suggested revising the language to read “. . .that design the system approves the substitution”. Mrs. Gentry commented that the approval should occur prior to installation.

The TAC then discussed another public comment from Mr. Marshall. Mr. Marshall suggested creating a new section 930.F.9 that would require access ports on gravelless material systems. Mr. Walker commented that access port would be useful for operation and maintenance, and system evaluations to avoid damage to the gravelless material. Mr. Lentz commented that if the proposed revision is included, it should be required for all systems, raising the bar for everyone.

The TAC discussed another public comment from Mr. Slusser regarding section 940.C.7 of the emergency regulations. Mr. Gregory stated that, as proposed by Mr. Slusser, the revision would apply to all system, not just gravelless material. Mr. Lentz commented that the suggested

revision is already covered by the manufacturer's ability to request a deviation. Mr. Walker agreed.

The TAC then discussed another public comment from Mr. Slusser where he suggested creating a new section 950.B.4 that would require hydraulic conductivity testing when gravelless material is used at the minimum sizing allowed by the emergency regulations. Mr. Lentz commented that there is no need for a special investigation for gravelless materials. Mr. Walker commented that the proposal would create a barrier to using the product. Mr. Pinnix stated that whether to perform a hydraulic conductivity testing is the designer's decision.

The TAC then discussed another public comment from Mr. Marshall regarding section 950.D.2 of the emergency regulations. The TAC agreed with Mr. Marshall's proposed language, "the design width of the trench".

The TAC then discussed comments from Mr. Lentz suggesting that Table 5.4 be revised to an across the board 25 percent reduction. Mr. Gregory commented that the suggestion was discussed during the initial TAC meetings, and the several members were opposed to 25 percent reductions for class IV soils. Mr. Parker commented that the across the board reduction would avoid confusion for designers and installers. Mr. Pinnix stated his thoughts had not changed from the previous TAC meetings.

Mr. Gregory stated that a tentative date for a future TAC meeting would be set. Once the proposed regulations are presented the TAC can decide whether further discussion is warranted.

**Adjourn**

**Virginia Department of Health  
Chamber and Bundled Expanded Polystyrene  
Technical Advisory Committee Meeting**

**Date:** April 3<sup>th</sup>, 2014  
**Time:** 9:00 pm to 12:00 pm  
**Location:** Madison Building, 5<sup>th</sup> Floor Main Conference Room  
109 Governor's Street, Richmond, VA 23219

**Meeting Agenda**

1. Administrative. (5 minutes)
  - A. Welcome.
  - B. Expectations for the meeting.
  - C. Review and approve agenda.
2. Current status of regulations and process moving forward. (5 minutes)
3. Review public comments. (20 minutes)
4. Review proposed regulations and address public comments. (60 minutes)
5. Additional comments and proposed revisions from TAC. (20 minutes)
6. Prioritize TAC comments and proposed revisions. (5 minutes)
7. Discuss TAC comments and proposed revisions. (45 minutes)
8. Moving forward, future TAC meetings. (10 minutes)
9. Adjourn

**Handouts**

Copy of public comments from:

<http://www.townhall.virginia.gov/L/comments.cfm?stageid=6765>

Copy of Frequently Asked Questions document found at:

<http://www.vdh.virginia.gov/EnvironmentalHealth/ONSITE/gmp/documents/pdf/First%20Edition%20E%20Regs%20FAQs.pdf>