

Virginia Department of Health (VDH)  
Sewage Handling and Disposal Advisory Committee (SHADAC)  
Regulatory Reform Subcommittee  
May 11, 2016 – Meeting Summary

**Primary Meeting Location:**

5<sup>th</sup> Floor, Room 541  
Madison Building  
109 Governor Street  
Richmond, Virginia 23219

**List of Attendees:**

Subcommittee Members at Primary Location

Alan Brewer                  Morgan Kash                  Valerie Rourke                  Curtis Moore

Mr. Kash sat in for Bill Sledjeski as the Virginia Association of Professional Soil Scientist representative.

VDH Staff and Members of the Public at Primary Location

Lance Gregory                  Todd Grubbs                  Kristin Marie Clay

**Welcome**

Mr. Brewer welcomed members to the meeting.

**Review Summary**

Mr. Brewer asked members to send edits to Mr. Gregory on the previous meeting summary. The subcommittee will review the edits summary before next subcommittee meeting.

**Draft Mission Statement**

Mr. Moore commented that everything the subcommittee does needs to relate back to the statement; criteria for how the subcommittee judges success at the end of the day.

Mrs. Rourke commented that it may not be a mission statement since this is not a long term project, just goals of the subcommittee.

Mr. Brewer stated that the subcommittee is providing options not solutions to the full committee. The solution part is long term.

Mr. Moore commented that one criteria could be being more consumer friendly.

Mr. Brewer commented another criteria is being broad and big picture oriented.

Mr. Moore suggested protecting the environment and public health.

Mr. Brewer comment on not being limited by what we would predict would happen with implementation; not confined to the status quo.

Mrs. Rourke suggested that technology continues to evolve; need to be flexible to account for new more efficient technologies and techniques. Additionally, need to acknowledge overlap with other regulations and programs. Need strong coordination and cooperative effort with other programs and agencies where there is overlap.

### **What is working in the program.**

Mr. Moore commented that the program is protecting public health in regards to onsite sewage systems. Think one corner stone of this state program is we have a receiving environment based program.

Mr. Kash commented that Virginia seems to be more open to technologies.

Mr. Brewer commented that the program is good at balancing regulatory and customer service aspect.

Mr. Moore commented that there is a pretty good working relationship with the private sector, in general.

Mr. Kash commented that the program provides useful information, and is responsive.

Mr. Moore commented that the program is working to be more transparent and works well with local government, in general.

### **Discuss areas for necessary reform.**

Mr. Moore commented that local ordinances lead to problems with interaction with local health departments.

Policies cause confusion and conflict with regulations.

Mrs. Rourke commented that wastewater treatment is under a much broader spectrum with water management.

Mr. Brewer commented on the need for funding source to assist with low income repairs. Low income homeowners do not have access to resources to fix failing systems. No financial tools available.

Members also noted program administration, paradigm shift, and resource issue as reform areas.

Mr. Kash commented on allowing systems into areas that may not be suited, and long term follow up may not be keeping up with the systems.

Mr. Moore commented that regional sanitarians kept more consistency with program in the past.

**Review list of challenges.**

**Brainstorm list of options for regulatory reform.**

The group discuss spend time at next meeting on the challenges and options for change.

**Adjourn**

## **Second Meeting of the Regulatory Reform Subcommittee**

May 11, 2016, 10:00 a.m. - 12:00 p.m.  
109 Governor Street, Richmond, 5<sup>th</sup> Floor, Room 541

### **Objectives for the Third Meeting:**

- Draft mission statement for the subcommittee.
- Identify areas in the onsite program that are working.
- Begin to identify options for regulatory reform to address challenges.

## **AGENDA**

10:00 a.m. **1. Welcome and review of previous meeting summary.** (Alan Brewer)

10:05 a.m. **2. Draft mission statement.**  
(Subcommittee)

10:35 a.m. **3. Thought on what is working in the program.**  
(Subcommittee)

10:55 a.m. **4. Discuss areas for necessary reform.**  
(Subcommittee)

11:25 a.m. **5. Review list of challenges.**  
(Subcommittee)

11:30 a.m. **6. Brainstorm list of options for regulatory reform.**  
(Subcommittee)

Adjourn

Virginia Department of Health  
Sewage Handling and Disposal Advisory Committee  
Regulatory Reform Subcommittee  
March 10, 2016

Challenges Identified

- Issues regarding local ordinance enforcement when the site/design fully complies with state regulations, but not local ordinance. There are a lot of localities that have ordinances that do not conform with VDH regulations (e.g. Louisa County ordinance requires cast iron sewer pipe).
- Various layers of regulations and local ordinances that don't always align. That leads to conflict ~~on~~ or confusion.
- GMPs at times are treated as regulation and not guidance. They also at times conflict or do not align with all regulations or other policies.
- Customer service and transparency become issues because of the conflicts between the various layers of regulations and local ordinances.
- EPA design manual says onsite sewage programs should become more involved with watershed protection planning. This is not currently the case in Virginia. For instance, a locality has an impaired waterway. The locality determines the best way to address that issue is stream buffers, so the county spends significant funds a bunch of money on buffers. But then under state regulations develop someone installs an onsite sewage systems within the buffer because it meets the regulations even though it's not part of the County's counties plan to improve address the impaired waterway. This relates to two other challenges noted below: (1) Need to look at wastewater as part of a spectrum of water management, and (2) Need more interconnection with other programs within VDH, and other agencies at state and federal levels.
- The Betterment Loan program doesn't work for low income homeowners.
- Are VDH resources aligned with the goals of the program? (first flush vs. ongoing maintenance)
- Concerned about permits for conventional systems being issued in areas that clearly shouldn't be developed (e.g. sensitive receiving environments) even though the site meets the minimum regulations.
- Lack of enforcement on O&M, and regulatory oversight.
- Perception that VDH staff think just because a PE signs off on a design they (VDH staff) have to permit the design.
- Issue with consistency and lack of enforcement statewide, possibly resulting from the elimination of the regional sanitarians.
- Installers upset that unlicensed contractors are still getting their system installations approved.
- What is a "failing system"? Need to distinguish between repairs and voluntary upgrades.
- The fee structure for repairs. Should repair permits really be free for everyone? Should we even be reclassifying repairs versus construction permits? Why not make everything a construction permit that must fully comply with the regulations? Should there be a sliding scale for the cost of repairs based on the income of the household serviced by the system?

- The regulations provide somewhat of a preferential benefit to someone that can afford to ~~meet stringent regulations~~ install an alternative system on sites where less expensive conventional systems cannot be used (e.g. direct dispersal - poor person couldn't develop the property but a rich person can).
- Blurred line when a VDH employee steps over from being a regulator to ~~being~~ inggin a designer.
- There is one regulatory standard that has no flexibility to deal with income. Regulations can facilitate grants/exemptions, but there needs to be another financial solution from an external source.
- Community wastewater problems are different than individual system problems, but the current program treats them the same.
- How do you handle case with a \$10,000 trailer on a \$5,000 lot that needs a \$20,000 septic system?
- Need to look at wastewater as part of a spectrum of water management (e.g. VDH also needs to look at its role in surface water and groundwater quality and management issues).
- Need more interconnection with other programs within VDH, and other agencies at a state and federal levels. When there is potential overlap of VDH programs with those of other state agencies, really need to spell it out in the regulations or MOUs.
- Historical ~~baggageed~~.
- Information dissemination is a challenge, especially regarding O&M.

**Comment [VR1]:** Do you mean "baggage" here and if so, can you expand on this a little?