

**Virginia Department of Health (VDH)  
Sewage Handling and Disposal Regulations  
Sewage Handling – Revisions Subgroup**

**Date:** June 17, 2022

**Location:** WebEx

**Attendees:**

Anne Powell – VDH

Joshua Anderson – Loudoun County Health Department

Bill Timmins – Sewage Handling and Disposal Advisory Committee (SHADAC)

Curtis Moore – Virginia Onsite Wastewater Recycling Association (VOWRA)

John Sawdy – Licensed Onsite Sewage System (OSS) Operator, Licensed OSS Installer, Licensed Onsite Soil Evaluator

Calvin Hogg – Office of the Secretary of Natural and Historic Resources

Trapper Davis – Licensed OSS Operator, Licensed Onsite Soil Evaluator

**1. Welcome / Brief Introductions**

Anne Powell welcomed the attendees to the meeting and performed a brief roll call of all attendees.

**2. Follow-Up from May Meeting (notes posted to Town Hall)**

Anne Powell stated that the meeting summary from the May subgroup meeting is posted on the Virginia Regulatory Town Hall website. Anne Powell asked the attendees if anyone had any questions or concerns in reference to that meeting summary; no comments from the meeting attendees.

**3. Continued Discussion on Suggested Sewage Handling Changes in the SHDR**

**Shall Statements Table**

Anne Powell explained to the group that she is in the process of creating a table to help organize the regulatory “shall” statements within the SHDR. The table currently consists of four columns: Regulatory Section Number, What, Who, and How. Ms. Powell is hoping to create an organized and consistent way to breakdown each regulatory “shall” statement for the SHDR revisions.

**Vehicle Identification**

Trapper Davis suggested VDH maintain permitting pump trucks of the same company with the same number, but adding a letter designation for each truck. John Sawdy suggested that VDH could also use an additional number designation, separated from the “company number” by a hyphen. Curtis Moore asked what the cost would be for operators to re-do truck numbers on their pump trucks if the regulations changed. Mr. Davis and Mr. Sawdy both agreed that there would be a cost, but it would not be a big concern. Anne Powell mentioned that however the SHDR are revised, VDH needs to make sure each local health district processes the pump truck applications/permits in the same way. Ms. Powell also suggested looking into the VDH database to see how the database can handle permitted truck numbers.

**Department for Environmental Quality Regulations on Biosolids (9VAC25-32)** Without the expertise of a Department of Environmental Quality in attendance at the meeting, Anne Powell suggested postponing discussion of the DEQ regulations for land application of biosolids to a later date. Ms. Powell mentioned that she would do some research and contact Mr. Zahradka with DEQ in preparation for the July subgroup meeting.

### **Owner versus Operator**

Curtis Moore mentioned that the SHDR currently refer to an owner in the sewage handling language, not an operator. The owner may be a cooperate entity, not an individual operator. Mr. Moore pointed out that there is no requirement in the SHDR for owner to be an operator. Mr. Moore suggested using very careful when dealing with the “who” in the “shall” statement table because there will be differences between owners and operators. As an example, Mr. Moore described the contractor license program where a company holds the general contractor license. The SHDR could specify a requirement for at least one licensed operator for each entity. Mr. Moore suggested bifurcating the ownership and the operator within the sewage handling language.

Trapper Davis suggested including the requirement for a licensed operator (within the company) in the VDH application for the sewage handling permit.

Curtis Moore mentioned that this line on the application might help show those who are not licensed that they actually need a license to work on an onsite sewage system.

### **Pumpers versus Operators**

Curtis Moore asked the group if the SHDR should have specific requirements for pumpers and sewage haulers who only work with portable toilets. Anne Powell mentioned that these haulers are pumping and transporting a lot of sewage in recent times (and even storing sewage in the case of festivals and concerts). John Sawdy stated that in the case of portable toilets, the professional are only pumping sewage and taking somewhere else is not really operating an OSS.

Joshua Anderson asked if the proposal is to have a separate classification / licensure for someone to simply pumps and transports sewage. Curtis Moore mentioned that the Code of Virginia language is not written in a way that can capture portable toilet pumpers and that it might require a legislative change.

Trapper Davis explained that the language was written for public utilities and port-a-john pumpers to be exempt from having an OSS operator license because they are not touching an OSS.

John Sawdy mentioned that certain pump trucks do not have the ability to completely pump an entire septic tank. Mr. Sawdy would like to see VDH ask for specify truck type and use in the application and inspection process.

Joshua Anderson suggested focusing the VDH inspection on things that affect proper use of trucks. For instance, pump minimum and maximum: <1000-gallon truck can do “x” while a >1000-gallon truck can do “y”. Curtis Moore asked if there is a magic number for pump trucks; is there a specific number of gallons and cubic feet per minute or a specification that these trucks are built with.

Anne Powell suggested that VDH could move to an on-site inspection of a pump truck actually operating. This active inspection could prove that the truck actually accomplishes the task. VDH could see the solids removed from the septic tank and that the equipment does not have any leaks. With an active inspection, the language in the SHDR could simply state that the pump and equipment shall be capable of doing the job. Josh Anderson mentioned that these inspections could be tied into site visits that EHSs are doing anyway (for example, a spot inspection while the operator is pumping out a tank for a repair).

Curtis Moore mentioned that an Operation and Maintenance (O&M) section in the SHDR could include something about O&M for portable privies, effluent filters, and similar appurtenances.

### **Pump and Haul**

Joshua Anderson stated that he would like to see revisions to the current language for emergency, temporary, and permanent pump and hauls. Mr. Anderson explained that the limitedness of the emergency pump and haul is troubling. For example, an owner with a failing OSS starts an emergency pump and haul, all the owner’s money is going toward pumping the tank out, and they can’t afford the permanent fix. Legally the emergency pump and haul can get the owner through one year, but then they are in violation of the SHDR if they still have not fixed the OSS. Ticketing this owners is not a sensible solution because they already do not have enough money.

Curtis Moore mentioned that the limited nature of pump and haul was specifically addressed in the Impacts of Climate Change subgroup. This subgroup discussed low lying coastal areas that experience

shoreline erosion. The subgroup discussed making permanent pump and haul a last resort for property owners. In these cases, the septic tank would be used for containment only and the drainfield would no longer be used.

Curtis Moore also asked the attendees if the local government really needs to be involved with permanent pump and haul agreements. Joshua Anderson mentioned that Prince William County completely banned permanent pump and hauls in the county. Trapper Davis mentioned that two whole subdivisions are on permanent pump and haul because the water table is at-grade when the tide comes in. In these subdivisions, the septic tanks have been converted to holding tanks with no active drainfields.

#### **4. Next Steps for Subgroup / Preparation for Next Meeting**

Anne Powell concluded the meeting with the mention of the next meeting date on July 15, 2022 at 10:00 am.