

Virginia Department of Health

Response to the Department of Planning and Budget's Economic Impact Analysis

Alternative Discharging Sewage Treatment Regulations for Individual Single Family Dwellings
(12 VAC 5-640)

December 6, 2011

The agency concurs with the Department of Planning and Budget's (DPB) analysis that the benefits of the proposed regulations are likely to exceed the economic costs. In developing these amendments, the Virginia Department of Health (VDH) worked with both internal and external advisory committees to assess which administrative and technical components of the regulations should be changed to make the regulation more efficient and reflect the advances made in technology since the regulations were first adopted in 1992.

The addition of an operation and maintenance manual requirement for new owners is estimated to cost \$300 - \$500 per system installed. Originally, VDH had estimated the cost of the manual at \$1,000 - \$2,500. However, after further investigation and with new information regarding manuals that are now required for other regulated systems, that estimate has dropped to \$300 - \$500. While this is a new cost, there is a benefit to the homeowner in having this document. This document details the physical components of the installed system, how it works, what routine maintenance should be provided, and what sampling is required. When the owner hires an operator for his system, the owner will know what is required and what he is paying for. The manual also provides the operator valuable information as to what is supposed to be installed and how it is supposed to operate. Most of these systems are buried so having that background information allows a new operator to understand the system faster.

The addition of wetlands as a potential discharge point recognizes that wetlands are a surface water of Virginia and, as such, may receive an appropriately treated wastewater. Previously, wetlands had not been included as a potential discharge point because the technology was not available to reliably produce wastewater of sufficient quality. This regulation utilizes advances in technology and appropriate setback distances to set standards that are protective of public health. These potential discharge points are still subject to evaluation for effects on public health concerns such as shellfish waters and public drinking water supplies so while the potential to create a discharge to a wetland exists, it should not be interpreted to mean that all discharges to wetlands will be approved. The option, however, to consider discharges to wetlands may provide an economic benefit to homeowners who previously had no recourse for sewage disposal.

Changes in the sampling requirements are perhaps the largest potential benefit. The current regulations have three levels of frequency for maintenance visits, informal testing, and formal testing depending on the approval status of the treatment system installed. The new regulations reduce the levels to two and allow the more frequent level to convert to the less frequent level upon satisfactory completion of an initial sampling regime. This will simplify the

program from an implementation standpoint and will save owners in the cost of maintaining their systems.

Another large benefit not noted in the DPB analysis is the addition of another licensed operator group as being acceptable to operate these systems. Previously, only licensed wastewater operators were allowed. The amendments add Alternative Onsite Sewage System Operators as acceptable operators. This class of licensed operators is new and was not previously available. This will expand the number of available operators for owners to contract with and should help reduce costs as well. Because of the expansion of the operator base, VDH believed it was prudent to remove the waiver to allow new owners to collect their own samples. Proper sample collection is critical to producing an accurate analytical result and most owners are not trained in proper sample collection, sample preservation, and sample holding times.

The DPB analysis discusses the types of systems that must be considered and determined unsatisfactory prior to allowing a discharge permit. The current regulation recognizes that all onsite options must be evaluated and found unsuitable prior to considering a discharge permit. This statement recognized that the discharge of treated sewage to soil is preferable than a direct discharge whenever possible. The 1992 regulation defined the limits of the types of systems to be considered based on the current onsite regulatory environment at the time. In 2011, VDH adopted new regulations for alternative onsite sewage systems that allow the use of sites with greater restrictions than previously allowed when appropriate treatment, loading rates, and horizontal separations are maintained. The proposed amendments were drafted to clearly identify the universe of options that must be considered and found unsuitable before a discharge permit can be considered. DPB recognized this as an increase in the cost of evaluating options. VDH believes there should be no increase in the evaluation costs for this process because the evaluation of a site is typically accomplished via one site characterization and the range of options is considered at the same time.

VDH believes that the proposed amendments will result in greater options for owners, reduced costs for owners, and a higher level of public health protection.