

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

Date: May 12, 2022

Time: 10:00 am

Location: WebEx

Attendees:

Anthony Creech – VDH

Lance Gregory - VDH

Andrew Carter – VDH

Stephen Elgin - VDH

Robert Royall - VWWA

Joshua Anderson – Loudoun County Health District (LCHD)

Scott Currie – Anua International

Bill Timmons - Citizen

Ed Pennypacker – Jepco Sales

Darren Mong – EZ Treat

Curtis Moore - Virginia Onsite Wastewater Recycling Association (VOWRA)

Pam Pruett – Soil Scientist

1. Review Notes from April Meeting

One correction – microbial decay reference is to concrete distribution boxes, not plastic.

2. Review Workgroup’s “Purpose and Policy”

Anthony Creech opened the meeting by discussing the purpose of the subgroup, and outlining the protocol and applicability of the VDH Civility Policy. He noted that there will likely be overlap in efforts of the different subgroups. The intention of the first meeting is to put issues on the table. Not to begin drafting of new regulatory language but to instead identify the most pressing D&C issues to be addressed in revision of the regulations. VDH goal is to present a NOIRA to the Board of Health in 2022.

3. Discussion of issues needing revision

Section 660

VDH led a discussion regarding formatting throughout the regulations, such as use of the word “shall” will be changed to make clear who shall (e.g., replace “a written application shall be submitted...” to “the owner shall submit a written application....”). In many cases, information from GMPs will be rolled into the “shall changes.”

Section 670

The subgroup held significant discussion regarding the need to “think hard” about what should be in this section:

- The table in this section is outdated; does it need to be here? Remove? Or update?
- Maybe just have dwellings only?
- Peak flows peak vs average.
- Commercial and institutional.
- GMP-35?
- DIBRs – is this a place for them?
- Is language preferable to a table?
- Require influent samples for data?
- Include wineries, breweries, etc.
- If going to leave table in, it should be qualified and not the be-all end-all.
- Add a column for nitrogen.

Section 680

The subgroup discussed whether the section was still necessary. With respect to residential, water saving plumbing devices are near universal. However, commercial properties generally do not use water saving devices.

Section 690

The subgroup discussed whether there may need to be another subgroup just to focus on gray water. Will LHDs be issuing permits for gray water systems? VDH has issued gray water reuse permit for irrigation. Gray water is defined as sewage under Code of Virginia § 32.1-163, but what about treated gray water?

Section 700

The subgroup discussed the need to go from passive language to active language.

- The utilities section (E.3.f.) needs to be addressed (in this section or elsewhere). Reference to plumbing code. No utilities over drainfields, septic tanks, d-boxes, but should be allowed over sewer lines as long as sleeved. Maybe this can be a fast track change? Maybe include dry ditches as well. Definition of conveyance line need to be addressed?
- Separation distances in general – date to 1970s. Confidence in pipes etc. was not what it is today. Need to take a look at it. Section E protection of absorption areas – driveways and parking lots over absorption areas maybe should not be allowed? Structural and oxygen transfer issues. Maybe consider prohibition with exception for repair (with engineer required)? Do we have history about what happened to drainfields with driveways/parking over them? How much does it shorten drainfield life? History is always the best teacher. Group members have seen absorption fields severely compromised by asphalt parking lot constructed on top. Seen smashed d-boxes, parts of drainfields destroyed by asphalt repair, septic tank lids cracked.

Section 710

The subgroup discussed consideration for 100% reserve areas.

- Several members were strong advocates
- Others noted that such a change will have potential repercussions such as leading to AOSS over conventional, fewer bedrooms, certification letters, subdivisions with approved lots based on 50% reserve, etc. Comes to economics. Want to be able to repair a system in the future, but how much safety factor is too much? What happens when the reserve is used in a repair – do you need a waiver from the reserve requirement or do you need to determine another reserve? The regulations are not clear. One suggestion was to reach out to Local Health Departments in localities having 100% reserve area ordinances to get feedback on whether this caused or causes controversy.

Section 720 – Obsolete reference.

Finally, the subgroup held some general discussion regarding removal of prescriptive requirements from the regulations and in turn incorporating them into a technical standards document which would be attached as a DIBR and annually reviewed and updated. This approach has been used in other states. There is a design and installation manual used in Prince William County, and a facilities standards manual in Loudoun County. VDH noted that it would need to discuss this approach with the Division of Legislative Services. Any type of technical standard would be a guidance document and therefore subject to public comment with every renewal. Presumably the SHADAC would be involved in annual updating.

Future meetings

June 16th 10:00am

July 14th 10:00 am