

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

Date: May 13, 2022

Location: Madison Building, 5th Floor Conference Room, Richmond, Virginia
(WebEx virtual option available)

Attendees:

Anne Powell – VDH

Lance Gregory – VDH

Curtis Moore – Virginia Onsite Wastewater Recycling Association (VOWRA)

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

Joshua Anderson – Loudoun County Health Department

John Sawdy – Licensed Onsite Sewage System Installer and Operator

1. Welcome / Brief Introductions

Anne Powell welcomed the attendees to the meeting.

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

Update on Licensure Issues

Lance Gregory mentioned that in work with other recent regulation development, he has received feedback to make sure every directive (or “shall” statement) is directed at a specific audience. Mr. Gregory suggested that a change in the SHDR could be as simple as stating the type of properly licensed individual for each specific “shall” statement. VDH would check licenses prior to issuing permits, approving installation/inspections, and approving O&M reports. Every SHALL statement needs to be directed at a specific audience. We can use this as a mechanism to state what type of professional license the individual needs.

3. Topics from Other Subgroup Meetings

4. Additional Proposals / Discussion from Subgroup Members

Topics Involving Department of Environmental Quality Regulations

Anne Powell suggested postponing discussion of DEQ’s regulations on land application of biosolids (9VAC25-32) since Mr. Neil Zahradka was not in attendance.

Anne Powell stated that she intends to research how many lagoons are currently permitted under DEQ.

Pump Out Reporting

As an example, Anne Powell described the current pump out reporting ordinance for Loudoun County, Virginia.

Joshua Anderson explained that the pump out reporting ordinance came about in Loudoun along with Chapter 1067 ordinance for inspections of Alternative Onsite Sewage System (AOSS). In an effort order to gain buy-in from pumpers (and not add cost to them), Loudoun County agreed to pay for the pump out reporting through Online RME (\$3 per report). The pump out reports get attached to the property address or tax map number for each property and are linked to Loudoun’s online document management system. Pumpers themselves are cited for noncompliance of not reporting their pump outs. Mr. Anderson stated that no Notices of Alleged Violations have been sent yet, but several warnings have been sent to pumpers. Mr. Anderson mentioned that the biggest issue with the pump out reporting program is the mail out of post cards reminders to owners. Each mail out consists of 20% of onsite sewage systems annually (approximately 4,000) Loudoun County often finds out about when pumpers are not reporting during the

mail out process because owners will call the office with questions and concerns. Mr. Anderson estimated that Loudoun County Health Department usually receives between 200 and 300 calls from concerned homeowners. Post cards are mailed in February and March. Loudoun employs a four-person team for the Operation and Maintenance and Compliance Division. This team continuously checks AOSS reporting to watch for “not-functioning” reports.

Curtis Moore mentioned that the pump out ordinance also helped to increase the data inventory of all the OSS in Loudoun. Joshua Anderson stated that there is a mapping component to the ordinance with a GIS specialist. Every well (including geothermal and abandoned wells) and OSS in Loudoun County is mapped and the map is updated regularly.

Curtis Moore stated that the pumper is supposed to report the address where the sewage came from at the wastewater treatment plant (WWTP). Josh Anderson mentioned that any WWTP outside of Loudoun County is not required to give Loudoun County Health Department (LCHD) the log, but LCHD does have the ability to double check numbers with WWTP and reports received. Mr. Anderson also mentioned that Prince William County Health Department also has a pump out program. The pumpers send their invoice from the WWTP back to the health department.

Bill Timmins mentioned that there is no WWTP offloading site in Franklin County. The pumpers in Franklin County have to go to Henry County or up to Roanoke.

Curtis Moore mentioned that a state-wide pump out program would need to be a holistic program with parts that work together.

Lance Gregory mentioned the recent House Bill 769 (2022 regular session), which includes the transition of oversight of the septic pump out program from the localities in the Three Rivers and the Eastern Shore Health Districts to a VDH run program. With this legislation, VDH specified the importance of funding to develop a reporting database that would be accessible statewide, but only required in Three Rivers and the Eastern Shore Health Districts. Regarding a state-wide pump out requirement, there was a proposed bill years ago for VDH to “track” pump outs and maintenance. The bill failed because there was a lot of concern from OSS owners west of I-95 that it would shift to a statewide pump out requirement (and not just tracking).

Lance Gregory mentioned that there might be some overlapping conversations regarding operation and maintenance of conventional onsite sewage systems (COSS) with the Impacts of Climate Change subgroup.

Curtis Moore mentioned the impacts of acute flooding events and the possibility to mitigate risk by having an operator coming in after a storm event to evaluate the OSS and make sure everything is operational. Mr. Moore also mentioned the impacts of chronic flooding events could possibly be mitigated by designating certain areas and having operators routinely evaluate the site and the OSS. Mr. Moore also stated that VDH may not be able to require owners to have their septic tanks pumped, but a requirement for reporting voluntary pump outs might be feasible. Lance Gregory mentioned that this is definitely something to include in the Notice of Intended Regulatory Action conversation. Lance stated that even with voluntary reporting, there is still a resource component on VDH.

John Sawdy mentioned that WWTPs charge offloading of septage per thousand gallons. Most pump trucks can fit between three and four septic tanks pumped into one truck load. If there is no valve to measure the gallons offloaded at the WWTP, the pumper is likely going to under-report the amount in order to pay less. Curtis Moore mentioned that there is a possible incentive for pumpers to report each address pumped to the LHD because owners will get a letter from VDH that they have not had the system pumped.

John Sawdy also mentioned the shortage of drivers with Commercial Driver’s Licenses.

Procedures for Permitting and Inspection of ALL Sewage Handling Equipment

Curtis Moore asked specifically why inspections of sewage handling equipment are conducted.

Anne stated that the inspections are conducted to make sure the vehicle meets the regulatory requirements (not leaking sewage which is a public health hazard).

Lance Gregory mentioned vehicle identification as one of the requirements observed during equipment inspections. The vehicle identification requirement has to do with being able to identify the pump truck in a possible illegally scenario. Several other components of the equipment inspections are to make sure the truck is not leaking as it goes down the road.

John Sawdy stated that water tightness of pump trucks is kind of a myth. Mr. Sawdy mentioned the main valve on trucks (which costs about \$400) still leaks a little even when it is brand new. Any leaks will make noise when the equipment is under vacuum; which is typically how Mr. Sawdy can identify leaks in his equipment. One of Mr. Sawdy's major concerns is the size of trucks being used for pumping septic tanks. Mr. Sawdy has witnessed single-axle trucks that do not have enough vacuum to empty a septic tank. Mr. Sawdy would like to see better language in the SHDR to require specifications for different types and sizes of trucks.

John Sawdy mentioned that in Rappahannock Health District, he is issued a single number for all his trucks. Mr. Sawdy would like to see a more clear procedure for permitting of pump trucks. Mr. Sawdy stated that each pump truck should be assigned a unique number from VDH.

John Sawdy also mentioned the possible loss of tank integrity when a concrete lid is replaced with an at-grade riser. Mr. Sawdy stated that he is in favor of requiring an at-grade riser for every septic tank, but only if it does not degrade tank integrity. Curtis Moore asked if it is actually an easier job to pump out a tank with an at-grade riser. Mr. Sawdy said that he finds at-grade risers very functional for maintenance. According to Mr. Sawdy, another important change in the pump out industry is the education and professionalism of pumpers.

Lance Gregory stated that there is concern from owners of AOSS about the pump out requirement in Three Rivers and the Eastern Shore Health Districts. The main concern is that that sewage haulers are going to pump out AOSS that should not be left empty (because it would negatively impact the treatment process) and how does VDH make sure these AOSS are pumped out properly. Curtis Moore mentioned that the DPOR regulations are clear that a pumper is not supposed to pump out an AOSS unless under direct supervision of Master AOSS Operator. Mr. Moore stated that the reason Conventional OSS Operators even exist is that DPOR could not regulate AOSS Operation and Maintenance without having COSS Operators that can recognize that an AOSS is not a COSS. This way a pumper that is not licensed as an AOSSO can be held accountable for working on an AOSS.

5. Next Steps for Subgroup / Preparation for Next Meeting

In preparation for the next meeting, Anne Powell mentioned the group should look into VDOT regulations for registering and licensing vehicles to work across state lines.

Tanya Pettus mentioned that they next DPOR meeting for their Regulation review is on June 29.

Anne Powell concluded the meeting with mention of the next subgroup meetings on June 17 and July 15.

AGENDA

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