

**Sewage Handling and Disposal Regulations**  
**Impacts of Climate Change Subgroup**  
**Wednesday, July 24, 2024 – 10:00 am to 2:00 pm**  
**Meeting Notes**

**Meeting Location:**

5<sup>th</sup> Floor Main Conference Room, 109 Governor Street, Richmond, Virginia, 23219

**Virtual Participation Available Via Webex:**

Join from the meeting link:

<https://vdhoep.webex.com/vdhoep/j.php?MTID=mff2bfa3f485e3c04aa094105047f1740>

**In Attendance:** Adam Day, Amanda Taylor, Andrew Carter, Andrew Jacobs, Anne Powell, Anthony Creech, Brent Hunsinger, Charlie Paullin, Christina Libre, Curtis Moore, David Fridley, Derek Hunt, Jamie Pritchett, Jay LeReche, Jermaine Niblett, Joey Hutchens, John Dickson, Joshua Anderson, Kate Jones, Kelli Greenstreet, Ken Wright, Kevin Wastler, Lance Gregory, Lewie Lawrence, Maher Akremi, Mike Lynn, Mitch Rieley, Morgan Butler, Patrick Fanning, Paul Shannon, Peter Brooks, Shawn Carman, Skip Stiles, Tanya Pettus

**Agenda:**

1. Welcome / brief introductions (15 min.)
2. Follow-up from 2022 subgroup meetings (15 min.)
  - a. § 32.1-164.B.16 – VDH creating regs to protect health and promote well-being including the impacts of climate change
  - b. Suggestion to use HAACP principles for analysis of OSS and the impacts of climate change
    - i. Hazards
    - ii. Critical Control Points
3. Draft regulation concerning Critical Impact Areas (45 min.)
  - a. Definitions in Section 120
    - i. Critical Impact Areas
      1. Lewie Lawrence suggested using other sources outside of VIMS to establish “Critical Impact Areas.” Patrick Fanning pointed out that VIMS is specified in the Code of Virginia language.
      2. Maher Akremi mentioned that the proposed definition of “Critical Impact Areas” might be too high of a bar at this point and that perhaps VDH should prepare for the progression of climate change.
    - ii. Renewable Operating Permit – definition consistent with AOSS Regs
  - b. Section 340 – Renewable Operating Permits valid for 10 years; VDH reassesses for compliance with horizontal separation distances
    - i. David Fridley asked about consistent and fair regulations on who and how to measure to specific features like waterbodies. Mean high tide could involve a licensed surveyor.
    - ii. Lewie Lawrence asked to make sure VDH has the resources to see the ROP and CIA through
    - iii. Curtis Moore asked if this will apply to all existing systems in addition to new permits. Lance Gregory answered that this would only apply to new

- permits. Curtis Moore also mentioned that VDH should specify this is only for residential properties.
- iv. Maher Akremi suggested working with a property owner who is currently impacted by these issues.
  - v. Kate Jones asked about tracking the ROPs within VDH and how that would be handled. Kate Jones also asked about possible funding for those OSS that are not in compliance and the owner needs to make changes. Kelli Greenstreet asked about additional funding for LHDs to handle the increased workload.
  - vi. Curtis Moore recommended having a recordation requirement to the deed of the property for the ROPs
  - vii. Lance Gregory mentioned that the current ROP process for large OSS is for renewal every five years. He asked the group if they think the 10-year time frame for CIA ROP is reasonable.
  - viii. Paul Shannon asked if there would be civil penalties for non-compliance. Lance Gregory answered that it would follow the current procedures for enforcement.
  - ix. Curtis Moore suggested a requirement to semi-permanently mark the corners of the drainfield (and other necessary components) for measuring to assure separation distances.
- c. Section 450 – including the identification of CIA during site and soil evaluation
    - i. Maher Akremi asked if there is ever a point when a property cannot be developed regarding the impacts of climate change and CIAs. Lance Gregory answered that it will boil down to meeting the separation distances.
    - ii. Skip Stiles asked about the determination of water table and vertical separation distances to the OSS and why VDH is not looking at that with the CIAs and reg revision. Lance Gregory and Anne Powell answered that there would be difficulties in that evaluation of existing systems when the ROP is up for renewal.
    - iii. Lewie Lawrence asked about emerging technologies and how they will help the properties impacted (incinerator and re-use systems). Lewie Lawrence ask that VDH include in the regs the ability and avenues to roll out new innovations as they come available, instead of having to fight the system.
4. Draft regulation concerning separation distances (45 min.)
    - a. Lance Gregory presented some research on virus and pathogen movement in soil. Research shows virus and pathogen reduction, but not elimination.
    - b. Table 4.1 – horizontal separation distances remain the same for these “watertight” components
    - c. Table 4.2 – potential changes to horizontal separation distances for dispersal area in Critical Impact Areas
      - i. Shellfish Water = 100 feet
      - ii. Natural Lakes / Impoundments = 100 feet
      - iii. Streams = 100 feet
      - iv. footnote f = reduced horizontal separation distances for treated effluent
        1. Kate Jones asked if this would apply to repairs where the “no closer than existing” is used to issue in a permit in a limited area. What do you do if you have a COSS that is 50 feet from high tide line and they owner applies for repair permit? The proposed draft reg says the repair would have to be 100 feet from the high tide line, but because it’s a repair they could permit another COSS only 50 feet away. This also ties to the waiver for treatment/pressure dosing. If a

repair application came in for a repair that is 70 feet from high tide line when the existing is 100 feet away, the owner can get a waiver to waive treatment. David Fridley mentioned that property owners would likely lean toward Voluntary Upgrade versus Repair (because of the transferable waiver versus nontransferable waiver). Lewie Lawrence agrees because MPPDC cannot provide funding when property owners go with the Voluntary Upgrade with the waiver.

2. Anne Powell recommended including Drainage Ditches where the ditch bottom is below the seasonal water table and the ditch normally contains water with this new horizontal separation distance in CIA.
5. Draft regulation concerning reserve area requirements (45 min.)
    - a. The proposal for a 100% reserve area requirement would not be limited to Critical Impact Areas. It would be across the board for all new construction.
  6. Additional discussion (60 min.)
    - a. Water tightness of septic tanks in other workgroups
    - b. Incinerator Devices
      - i. Maher Akremi would like to see more research on the impacts of incinerator devices; including the aggregate impact of all incinerators permitted and the amount of organic material incinerated (greenhouse gas emissions). Lewie Lawrence mentioned that eight states in country have evaluated and approved use of incinerator devices.
      - ii. Lewie Lawrence suggested phasing incinerator devices in by only allowing them in CIAs.
  7. Next steps / meeting conclusion (15 min.)
    - a. Meeting notes will be posted to Town Hall
    - b. Next meeting scheduled for August 22 from 10am to 2pm